SUPREME COURT OF THE UNITED STATES.

No. 302.

THE UNITED STATES, APPELLANTS,

vs.

MANUEL ANTONIO RODRIGUES DE POLI.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF CALIFORNIA.

INDEX.

	Original.	Print.
Writ of certiorari and return	A	1
Proceedings before land commission	1	2
Petition	5	3
Deposition of Pio Pico, and deed, &c., annexed	7	4
Opinion of the board	33	13
Decree of confirmation	39	16
Certificate of secretary of land commission	41	17
Petition of appeal	45	18
Summons	49	19
Answer	53	21
Notice of trial	57	23
Exhibits of appellants	58	23
Exhibit 1. Decree of secularization of August 17, 1833, (translation)	59	23
2. Figueroa's provisional rules for carrying into effect the laws of the supreme government regulating the colonization of the missions, 9th August, 1834, (translation)	61	25
3. Decree of secularization of 16th April, 1834, (translation)	66	29
4. Instructions to Jose M. Hijar, from supreme government, 23d April, 1834, (translation)	67	29
5. Decree of departmental government, Nov. 3, 1834, providing for colonization of lands which had been secularized, (translation)	69	31
6. Act of congress of the 7th March, 1835, suspending the operations of the act of 17th August, 1833, (translation)	70	31
7. Rules and regulations of Alvarado of Jan. 17, 1839, (translation)	71	32
8. Instructions of Alvarado to W. E. P. Hartnell, (translation)	73	34

		Original.	Print.
Exhibit 9.	Order of Alvarado of March 1st, 1840, (translation)	75	35
10.	Letter of the bishop of California to the president of Mexico, 1840, (translation)	80	36
11.	Reply from minister of interior, (translation)	85	42
12.	" " justice, "	86	43
13.	Instructions of general government to General Micheltorena, February 11, 1844, (translation)	87	44
14.	Proclamation of Micheltorena, 29th March 1843, (translation)	90	46
15.	Act of depart'l assembly of 24th August, 1844, "	93	48
16.	" " " 21st April, 1845, "	95	50
17.	" " " 28th May, 1845, "	96	50
18.	" " " 28th October, 1845, "	98	52
19.	" " " 30th March, 1846 "	102	55
20.	" " " 31st October, 1846, "	104	56
21.	Circular of Montesdeoca, minister of justice and public instruction, (original)	105	57
21.	(Translation)	105	57
22.	Proclamation of Pio Pico publishing circular of Castillo Lanzas, (original)	106	57
22.	Translation)	108	58
23.	Proceedings of departmental assembly of March 30, 1846, (original)	110	61
23.	(Translation)	112	62
24.	Proceedings of depart'l assembly of Apr. 8, 1846, (original)	114	63
24.	(Translation)	114	64
25.	Proceedings of depart'l assembly of April 15, 1846, (original)	115	64
25.	(Translation)	117	66
26.	Expediente in San Juan Capistrano, (original)	118	67
26.	(Translation)	120	68
27.	Expediente in La Purisima, (original)	122	69
27.	(Translation)	124	71
28.	Expediente in San Luis Obispo, (original)	126	73
28.	(Translation)	131	76
29.	Title to San Diego, (original)	136	79
29.	(Translation)	137	81
30.	Title to San Luis Rey, (original)	139	82
30.	(Translation)	140	83
31.	Title to San Gabriel, (original)	141	84
31.	(Translation)	143	85
32.	Title to San Fernando, (original)	145	87
32.	(Translation)	147	88
33.	Title to San Buenaventura, (original)	148	89
33.	(Translation)	150	90
34.	Title to Santa Barbara, (original)	152	91
34.	(Translation)	154	93
35.	Title to Santa Ynez, (original)	155	94
35.	(Translation)	157	95
36.	Title to San Juan Bautista, (original)	158	96
36.	(Translation)	160	97
37.	Title to San Jose, (original)	163	99
37.	(Translation)	164	100

		Original.	Print.
Exhibit 38.	Title to La Soledad, (original)	166	101
38.	(Translation)	167	102
39.	Title to San Rafael, (original)	169	104
39.	(Translation)	171	104
40.	Title to orchard of Santa Clara, (original)	172	105
40.	(Translation)	173	106
41.	Circular of Tornel, minister of war and marine, (translation)	175	107
42.	Extract from Mexican constitution of 1843, (original)	176	108
42.	(Translation)	178	109
43.	Decree in case of J. S. Alemany, for mission property	181	111
44.	Stipulation for final decree in same case	191	119
Decree of District Court		192	120
Mandate of Supreme Court U. S		194	120
Orders on mandate		196	121
Motion for new appeal and order thereon		200	123
Certified copy of citation		202	124
Copy of affidavit and notice		204	125
Affidavit of Conway		207	126
Opinion		211	127
Decree overruling motion for appeal		213	128
Order for transmission of papers to Attorney General		215	129
Notice of appeal		216	130
Order		217	130
Citation		219	131
Clerk's certificate		221	132

"A" UNITED STATES OF AMERICA, *ss*:

The President of the United States of America to the honorable the judge of the District Court of the United States for the district of California, greeting:

Whereas lately in the District Court of the United States for the southern district of California, before you, in a case between the United States, appellants, and Manuel Antonia Rodriquez de Poli, appellee, an order was entered on the 5th day of June, 1865, denying the motion for an appeal to the Supreme Court of the United States from the decree of said District Court, entered on the 1st day of April, 1861, in said cause; and whereas at December term, 1865, of said Supreme Court, the Attorney General of the United States did, on the 3d day of December, 1865, being a day of said term, file a certain petition and motion, affidavits and exhibits thereto attached, for a rule to show cause why a writ of mandamus shall not issue to the judge of the District Court of the United States for the southern district of California, commanding said court to grant an appeal to the United States in said cause, and grant all necessary legal orders to effect that end; and whereas at the said December term, 1865, said petition and motion coming on to be heard, it was ordered that a rule be granted as prayed in said petition; and said rule having been issued, the return thereto filed, said cause came on to be heard on the rule and and return thereto, and the motion for a writ of mandamus, and of the arguments of counsel thereupon had, as well in support of as against the same, at December term, 1866, it is considerd, ordered and adjudged by the said Supreme Court that the writ of the United States issue required, and commanding the judge of the District Court of the United States for the district of California to allow an appeal as prayed for in the case of the United States, appellants, and Manuel Antonia Rodriquez de Poli, appellee, from the decree of the District Court of the United States for the southern district of California, entered in said cause on the 1st day of April, 1861, and to issue all and every process necessary to perfect said appeal:

You therefore are hereby commanded that immediately after the receipt of this writ, and without delay, you do allow the appeal in said cause on behalf of the United States, as according to right and justice and the laws of the United States, so that complaint be not again made to the said Supreme Court, and that you certify perfect obedience and due execution of this writ to the said Supreme Court, to be held on the first Monday of December next, and return then and there this writ.

Witness the Honorable Salmon P. Chase, Chief Justice of said Supreme Court, the first Monday of December, in the year of our Lord one thousand eight hundred and sixty-seven.

[SEAL.] D. W. MIDDLETON,
Clerk Sup. Court U. S.

Issued 6th M'ch, 1868.

The answer of the judge of the District Court of the United States for the District of California.

The record and proceedings of the plaint, whereof mention is within made, with all things touching the same, we certify under the seal of our said court, to the Supreme Court of the United States, within mentioned, at the day and place within named, in a certain schedule, to wit: a transcript of the records and proceedings in the within-named cause, as we are commanded.

By the court:

GEO. E. WHITNEY, *Clerk.*

Endorsed: Sup. Court U. S. Dec. term, 1866. No. 7, original. The United States vs. Manuel Antonia Rodriguez de Poli, appellee. Mandamus.

Appeal from the District Court of the United States, District of California.

THE UNITED STATES, appellant,
vs.
M. A. RODRIQUEZ DE POLI & al., appellees.

1 *Office of the Board of Commissioners To Ascertain and Settle the Private Land Claims in the State of California.*

Be it remembered that on this eleventh day of November, anno Domini one thousand eight hundred and fifty-two, before the commissioners to ascertain and settle the private land claims in the State of California, sitting as a board in the city of San Francisco, in the State aforesaid, in the United States of America, the following proceedings were had, to wit:

The petition of Manuel Antonio Rodriguez de Poli, for the place named "Mission of San Buenaventura," was presented, and ordered to be filed and docketed with No. 479, and is as follows, to wit:

(Vide page 3 of this transcript.)

Upon which petition the following subsequent proceedings were had in their chronological order, to wit:

LOS ANGELES, *November 11th*, 1852.

In case No. 479, Manuel Antonio Rodriquez de Poli, for the place named "Mission of San Buenaventura," the deposition of Pio Pico, a witness in behalf of the claimant, taken before Commissioner
3 Hiland Hall, with documents marked H. H., Nos. 1 and 2, and translations thereof, annexed thereto, was filed.

(Vide page 4 of this transcript.)

SAN FRANCISCO, *November* 28, 1854.

Case No. 479 was ordered to be placed at the foot of the 3d class cases on the trial docket.

SAN FRANCISCO, *December* 26, 1854.

Case No. 479 was submitted under the rule of March 21, 1854.

SAN FRANCISCO, *May* 15, 1855.

In the same case, Commissioner S. B. Farwell delivered the opinion of the board confirming the claim.

(Vide page 29 of this transcript.)

And the following order was made, to wit:

(Vide page 31 of this transcript.)

4
5

Petition.

To the Board of Commissioners for Ascertaining and Settling Private Land Claims in the State of California:

Your petitioner, Manuel Antonio Rodriguez de Poli, of the county of Santa Barbara, in the State of California, respectfully represents to your honorable body, that he claims a certain establishment, as the mission of San Buenaventura, containing about twelve square leagues, more or less, situate in the aforesaid county of Santa Barbara, in said State of California; that he claims the same in fee by virtue of a sale made to Jose Arnaz by Pio Pico, constitutional govenor of the department of the Californias, dated the 8th of June, 1846, under an order of the Mexican government, dated the 10th day of March, 1846, which said deed of grant, marked A, and said order, marked B, are hereto annexed.

Your petitioner further avers that he purchased the aforesaid mission from said Jose Arnaz on the 29th day of August, 1850, as will more fully appear by the deed of ratification, marked C, hereto annexed.

Your petitioner further avers that the head of the diocese, in the county of Santa Barbara, Padro Gonzales, has for valuable considerations renounced the provisions made in favor of divine worship in the article 2d of the aforesaid original deed of grant, as will
6 more fully appear by said document, marked D, hereto annexed.

Your petitioner submits the documents referred to in the Spanish language with their translations, and will make further proof of title, if required by the board.

Wherefore your petitioner prays this honorable board to take into consideration his claim to said tract of land and establishment called the Mission of San Buenaventura, and decree his title to be valid, and confirm the same.

W. HUBERT,
Att'y for Petitioner.

Filed in office, Nov. 11, 1852.
(Signed GEO. FISHER, *Sec'y.*

7 *Deposition of Pio Pico.*

LOS ANGELES, *Nov.* 11*th*, 1852.

On this day, before Hiland Hall, one of the commissioners for ascertaining and settling private land claims, in the State of California, came Pio Pico, a witness produced in behalf of the claimants, in the case of the petition of Ma. Ant'o Rod'z de Poli, being No. 479 on the docket of the commission, and was duly sworn.

The U. S. associate law agent was notified and attended.

In answer to questions by the counsel for the claimants, the witness testified as follows:

My name is Pio Pico; my age fifty-one years, and my residence is in the city of Los Angeles. I am a native of California, and have always resided here.

I was actually in the exercise of the office of govenor of California from the latter part of the year 1844 to the month of September, 1846.

In the month of June, 1846, I was exercising the office of governor, and Jose Matias Moreno was discharging the duties of the office of secretary ad interim.

A paper now shown me, purporting to be a grant from the
8 government of Mexico, made by myself as govenor of the Californias, to Jose Arnaz, dated the 8th of June, 1846, was executed by me in my official capacity, at the day it bears date, and the signature of Moreno, who was then acting as secretary, is his genuine signature. Said paper is hereto attached and marked H. H. No. 1.

I made the grant under and by virtue of my authority as govenor, and for the purpose of providing means to carry on the war then existing between the government of Mexico and the United States.

I had authority to make the grant by virtue of instructions from the minister of war and marine of Mexico, bearing date Mexico, March 10th, 1846, and which I now produce.

It is a paper connected with my official duty and conduct, and I desire to retain it in my possession.

I am well acquainted with the laws, usages and customs by which the governors of California were governed in the granting of lands and the issuing of titles.

The title paper before mentioned would have conferred on Jose Arnaz, the grantee, a good and valid title to the land therein described, if the government of the country had not been changed from that of Mexico to the United States.

The residence of Moreno, the former secretary, is in San
9 Diego, but he has been absent on a voyage to Mazatlan, and I do not know that he has returned.

The sum of twelve thousand dollars, mentioned in the grant to Jose Arnaz, was paid to me while I was acting as govenor, and it was applied to the public purposes in the defence of the country.

The government of Mexico did not furnish the government of

California any means for defending itself. There was no funds in the hands of the local government. It was necessary that the government should procure the means of defence even by extraordinary sacrifices. There being no money at the command of the governor, it was necessary to sell the mission lands to raise it.

I known of no other means by which the money could have been raised.

The missions were in a decaying condition, and going to ruin.

The local government of California had assumed an authority over them, and it had hence been the intention of the government to dispose of their lands, either by sale or distribution previous to receiving the special authority before mentioned.

The sum of twelve thousand dollars for which the property was sold to Jose Arnaz, as before mentioned, was considered at the time as a fair price for it by the government.

10 PIO PICO.

Sworn and subscribed before me.

HILAND HALL, *Com'r.*

Filed in office Nov. 11, 1852.

(Signed) GEO. FISHER, *Sec'y.*

"A."

Deed of grant, Doc. H. H., No. 1, *annexed to dep. of Pio Pico.*

Pio Pico, Gobernador Constitucional del Departamento de Californias, (Gobierno de Californias,) auterizado previamente por la Ex'ma Asamblea Departamental para la enagenacion de las Misiones asi para pagar las dendas y evitar la total ruina de ellas, como para proporcionar recursor que sirvan a la defensa comun en el caso de una invasion extrangera, que segun datos fehacientes se halla muy proceda de merecer en atencion que el Ex'mo Senor Don Jose Arnaz ha hecho al Gobierno servicios de consideracion y tambien facilitado buenos auxilios para la mayor conservacion y seguridad del
11 Departamento bajo la garantia de justa indemnizacion. usando la hacienda general esturiere desahogada y no teniendo modo y forma de cubrir la cantidad que justamente le adenda este Gobierno lo da en pago de la que en diferentes epocas ha facilitado al gobierno y la que ha recibido presente en total de doce mil pesos y considerando todo lo que hay que ver y meditar convino en uso de las facultades con que me hallo investido por el Supremo Gobierno, y decreto de 13 de Abril, ultimo, de la Ex'ma Asemblea Departamental, he venido en hacer venta real y efectiva enagenacion perpetua para siempre jamos al espresado, Don Jose Arnaz. de la Mision de San Buenaventura, segun y conforme ha convenido con todas las pertenencias, que hay cuenta y recondenuesos, consistan en terrenos fincas, bienes, raices y convenientes, en cuyo testimonio y p'a la validacion se poven las condiciones siguientes :

1a. Pagara a los acreedores de la Mision de San Buenaven-
12 tura las cuentas que aparecieren justificadas a lo mas en el termino de un ano.

2o. Desde abora para siempre facilitara de su cuenta lo necessario para la subsistencia y restuario del Padre Ministro y en todo tiempo subsistira alle como igualmente para la conservacion del culto divino dejando a beneficio de dicho Padre los piezos que tiene ocupados para su habitacion.

3a. No se podra alegar lesion everme por esta venta de parte de ninguna y el exceso en poco o mucha suma queda a favor del comprador por ser el justo valor que tiene actualmente dicha Mision y no haber quien diere mas por ella.

4a. Se exceptuan de la venta anterior el tiempo y todos sus demas pertenencios que le corresponden.

5a. Los terrenos de que se hace mencion y que se reconozcan por de la Mision se comprenden de la Laguna Huenemo El Palo
13 Alto, Los Disiembres de Santa Paula, la Canada de la Mision y todos lo que no estan concedido por justo titulo y que reconozcan la propiedad del establecimiento de los que se hace venta con todos los bienes raices, y semorientes utiles y demos que sea de su propiedad.

En consecuencia declaro por las presentes letras serdueno legitimo de la espresada Mision de San Buenaventura de el Senor Arriba mencionado en los terminos y bajo las condiciones espresados por cuya virtud podra tomar posesion de ellas. Y para la debida constancia en todos tiemper doy este documento, como formal escritura que sera reconocida y acatoda por todas los autoridades civiles y militares de la nacion Mexicana en este y en los demas departamentos y aunque por el gobierno general de ella autorizada debidamente con mi firma y la del secretario de mi despacho en este papel comun por
14 absoluta falta de sellado o ocho de Junio de mil ochocientos cuarenta y seis.

PIO PICO.
JOSE MATIAS MORENO,
So. Into.

Queda tomada razen de este superior despacho en el libro respectivo.

MORENO.

Recorded in the office of the county recorder of the county of Santa Barbara, on this 9th day of October, A. D. 1852, at 7¼ o'clock p. m., in vol. 1 of Deeds and Documents, pages 19, 20 and 21.

Witness my hand and official seal the day and year above written.

CHAS. H. HUSE,
County Recorder.

Filed in office Nov'r 11th, 1852.

GEO. FISHER, *Sec'y.*

15 "A."

Translation of H. H. No. 1.

Pio Pico, constitutional governor of the department of the Californias:

Previously authorized by the most excellent departmental assembly for the ailenation of the missions, also for the payment of the debts, and to avoid their total ruin, likewise to procure the means that might serve for the common defence in the case of a foreign invasion, which, according to reliable informations, is near happening, in consideration of Senor Don Jose Arriago having rendered to the government considerable services, and also having furnished good means for the best preservation of security of the department under the guaranty of a just indemnity, when the general treasury will be disembarrassed, and not having the resources to reimburse the amount which is so justly due him by this government, it gives him in payment for the amounts which he has furnished at different times to the aforesaid government, and which it has received, and which makes the sum of twelve thousand dollars, and considering the existing circumstances, using of the faculties with which I am invested by the supreme government and decree of the departmental assembly of the 13th of April last, I have sold to the aforesaid Jose Arnaz in fee the mission of San Juan Buenaventura, as agreed upon, with all its appurtenances, consisting in lands, estates, properties, cattle, and movables; and in testimony whereof, and for the validity of the contract, the following conditions are established:

16 1st. He shall pay the creditors of the mission of San Juan Buenaventura, within the space of at least one year, the accounts which shall be certified.

2d. From this day he shall furnish on his own account the sustenance and clothing of the father minister, who at all time shall reside there for the consideration of divine service, leaving for the benefit of the said father the rooms which he occupies.

3d. Enormous lision in this sale shall not be set up by either party, and the amount, either small or considerable, shall be interpreted in favor of the purchaser, as being the actual first price of said mission, there being no one who would give more for it.

4th. The lands which are here mentioned, and which are known as belonging to the mission, include Laguna Huenemo El Palo Alto Los Desumbras de Sta Puela la Canada de la Mission, and all those which have not been granted with a good title from the government, which are recognized as the lands of the establishment, which is hereby sold with all its property, cattle, useful and other movables which appertain to the same.

In consequence whereof the aforesaid Senor Arnaz is declared by these presents to be the legitimate owner of the aforesaid mission of San Buenaventura, under the foregoing terms and conditions. In consequence whereof he may take immediate possession of the

17 aforesaid mission; in proof whereof I executed this document

in due form, which shall be acknowledged and respected by all the civil and military authorities of the Mexican nation in this and other departments, and even by the general government.

Duly authorized under my hand and that of the secretary of my office, on this ordinary paper, for want of stamped paper, this 8th day of June, 1846.

PIO PICO.
JOSE MATIAS MORENO,
Secretary pro tem.

Entry hereof has been made in the office, in the proper book.
MORENO.

Recorded in the office of the county recorder of the county of Santa Barbara on this 9th day of Oct., A. D. 1852, at 7½ p. m., in vol. I of Deeds and Documents, pages 19, 20 and 21.

Witness my hand and official seal, the day and year above written.

C. E. HUSE,
County Recorder.

Filed in office Nov. 11, 1852.
(Signed) GEO. FISHER, *Sec'y.*

18 B.

Instructions of the Mexican government to Pio Pico.

MINISTERIO DE GUERRA Y MARINA.

Seccion de Operaciones, E. S.:

Principal Al. S. Command'e G'l de California, digo hey lo sig'te:

Los preparativos que hacen los Estados Unidos, y la aproximacion de sus fuerzas navales a nuestros puertos no dejan duda de q'l la guerra con aquella potencia esta p'a romperse y como el E. S. Presid'te Int'o esta decidido a sostener los derechos de la nacion, quiere que en todos los puertos de la Republica en que se presente el enemigo se haga una defensa rigoroza y capaz de dar honor y gloria de por ello nacional. Al efecto nueritras que el Supremo Gob'no proporciona a V. S. los auxilios convenientes espera de su patriotismo y lealtad que dictara las providencias que juzque oportunas para la defensa de su Depat'o, con cuyo objeta queda V.

19 S. que el Sr. Gob'r facilitado ampliamente, y tengo el honor de insertarlo a V. E. para su conocimiento, esperando que por su parte no perdera medio para conservar ellos los derechos de la Patria.

Dios y Libertad, Mexico, Marzo 10, de 1846.

E. S. Gob'or del Depart'o de Californias.

Es copia fiel de su original quedo en mi poder y que me remito.

Angeles, Setiembre 30, de 1852.

PIO PICO.

I certify the foregoing to be a true and correct copy of the original in possession of the witness, which copy I have compared with the original. Filed in office Nov. 11th, 1852.

GEO. FISHER, *Sec.*

Office of the Board of Land Commissioners for California, Angeles, September 30th, 1852.

GEO. FISHER, *Sec'y.*

20

21 *Translation of Document "B."*

MINISTRY OF WAR AND MARINE.

Section of Principal. Excellency:

To the General Commander of California, I this day communicate as follows:

The preparations which the United States are making, and the approach of the naval forces towards our ports, leave no doubt that war with that power is about breaking out; and as his Excellency the President Protemo is resolved to sustain the rights of the nation, he wishes that in all ports of the republic where the enemy may present itself a vigorous defence be made, capable of giving honor and glory to the national flag.

For that object, and until the supreme government appropriates and sends for the necessary means, it relies upon your patriotism and fidelity to dictate the measures which you may judge necessary for the defence of that department; for which purpose you and his excellency are invested with full powers.

And I have the honor to transcribe the same to you for your cognisances, hoping that you on your part will leave no efforts to preserve entire the rights of the nation.

22 God and liberty!

Mexico, March 10th, 1846.

POMEL.

To His Excellency the Governor of the Department of the Californias.

This is a true copy of the original, which remains in my possession, and to which I refer.

Angeles, Sept. 30th, 1852.

(Signed) PIO PICO.

I certify the foregoing to be a true and correct translation of the certified copy of the original in possession of Pio Pico, late governor of the department of the Californias, which copy I have compared with the original.

Office of the Board of Land Commissioners for California.

Angeles, Oct. 1st, 1852.

(Signed) GEO. FISHER, *Sec'y.*

Filed in office Nov. 11, 1852.

(Signed) GEO. FISHER, *Sec'y.*

23 *Translation of Document "C."*

Know all men by these presents, that I, Jose de Arnaz, now residing in the mission of San Buenaventura, county of Santa Barbara, and State of California, declare in the most solemn manner that it is true and certain that, on the 29th day of August, A. D., 1850, I sold by deed of conveyance to Doctor Don Manuel A. Rodriguez de Poli, now residing in San Buenaventura, county and State aforesaid, all my right, title, and actions in and to the mission of San Buenaventura and all its appurtenances, lying and being situate in the county of Santa Barbara, for the consideration of twelve thousand dollars to me paid by the said Doct. Manuel A. Rodriguez de Poli, the receipt of which is hereby acknowledged; and by these presents I again ratify and confirm the said sale of the mission of San Buenaventura and its appurtenances hereby, in the most legal form conveying and confirming unto the said Poli all my title, right, and actions in the said mission of San Buenaventura, to him, his heirs and assigns forever.

And I hereby obligate myself never to molest, myself, the said Poli in the quet and peaceful possession of said mission, nor shall my heirs, executors, or assigns.

In testimony whereof I have hereunto set my hand and seal, in the city of Los Angeles, this the tenth day of November, in the year of our Lord one thousand eight hundred and fifty-two.

JOSE DE ARNAZ.

24 STATE OF CALIFORNIA, *County of Los Angeles, sct.*:

On this tenth day of November, in the year of our Lord one thousand eight hundred and fifty-two, personally appeared before me, William G. Dryden, a notary public in and for the county of Los Angeles, Jose de Arnas, who I know to be the individual described in and who executed the foregoing instrument, and acknowledged to me that he executed the same freely and voluntarily for the uses and purposes therein mentioned.

In testimony whereof I have subscribed my name as notary public, and affixed the seal of my office, in the city of Los Angeles, the day and date above written.

[SEAL.] W. C. DRYDEN,
Notary Public.

Received the above and foregoing document for record November the 10th, A. D. 1852, at five minutes past six o'clock p. m.

Recorded the same November 11th, A. D. 1852, at five minutes to ten o'clock a. m., in Book I of Deeds, on pages 247 & 248, at the request of Doct. Manuel A Rodriguez de Poli.

WILSON W. JONES, *Recorder.*
Per H. R. MYLES, *Dep.*

Filed in office Nov. 11th, 1852.
(Signed) GEO. FISHER, *Sec'y.*

25 D.

Agreement between Padre Gonzalez and Jose Anhar.

En el puerto de Santa Barbara a los diez y siete dies del mes de Marzo de mil ochocientor cuarenta y ocho ante mi Pedro Carrillo Juez primero de este punto y su demorcacion y per ante mis testigor de asistencia parecieron de precente el Senor D. Jose de Auron y el prelado Excelentisimo Gobernador de la mitra, Jose de Jesus Gonzalez, a quieres, doy fe conozco dijeron; que habiendo celebrado en tantos de Agosto del ano pasado un contrato por el cuorl el Sener Auran se comprometia a entregar a la yglesia de S. Buenaventura cual lo verifico en rancho conocido con el nombre de la Laguna, constarte de dos sitios poco mas o menos, una vina conocida con el nombre de Santa Gertrudis, una huerta de arboles frutales y tapia de pared que esta al frente de la mision de San Buenavent'a veinte a cinco y eguas
con sus garanores, diez caballor mansor y cien reces, ochenta
26 vacas, diez toros y diez torillos, en pago perpetuo de la condicion segunda de la escritura de compra de dha mision para cuyo complimiento, reste solo la entrega del ganado que situado en Piro esta a disposicion del R. P. ya citado declara que ratifica el espresado contrato y que la cantidad, que el Senor Anar ha cedido a la yglesia es propiedad de hoy para siempre jamas, y que ni per si ni los suyos padiera haber reclarno del ninguna clase y si lo hubiere, cualquiera que sea y bajo de cualqiera pretesto, titulo, voz, causa, recurso o utro cualquiera, bajo el cual lo intenten sean desatendidor en justicia y como litigante temerario sea condenado, intendiendore lo espuesto referente a los dos partes, la primera por la condicion a que esta sometida en virtud de escritura y la Segunda por el derecho que le concede la condicion segunda de la escritura citada y declaro que
este contrato es y lo estiman de reciprocointeres a los dos partes
27 y que en el no hay fraude, engano ni lesion, renunciando su propio fuero, domicilio y vecindad, las leyes do su favor y defensa con la general del derecho en forma, en cuyo testimonio osi lo otergarm y firmarra conmigo y los de osistencia segun derecho.

Fr. F. F. MARIA DE T. GONZALEZ,
PEDRO C. CARRILLO,
JOSE DE ANHAR ASSA VICENTE,
MORUGA ASSA JUAN P. OLIVERA.

Tomado conocimiento de este documento en este Vre Consulado de Espana.

CESARCO LATAILLADO.
V. Consul.

Recorded in this office of the county recorder of Santa Barbara county on this 9th day of October, A. D. 1852, at 7 $\frac{1}{4}$ o'clock p. m., in vol. 1 of Deeds and Documents, pages 22 and 23.

Witness my hand and official seal the day and year above written.

CHAS. F. HUSE,
County Recorder.

28 Filed in office Nov. 11th, 1852.

GEO. FISHER, *Sec.*

Translation of Document D.

29 In the port of Santa Barbara, on the 17th day of the month of March, 1848, before me, Pedro Carillo, first judge of this place and its jurisdiction, and before my assisting witnesses, appeared Don Jose Arnas and his excellency the governor of the diocese, Senor Jose de Jesus Gonzales, whom I recognize and know, and who says that having entered into a contract by which the Senor Arnas bound himself to deliver to the church of San Buenaventura a rancho known by the name of the Laguna, consisting of two sitios, more or less; a vineyard, known by the name of Sta. Gertrudia; an orchard enclosed, which is in front of the Mission de San Buenaventura, which he has delivered; twenty fine mares, with their stud horse, two team horses, one hundred oxen, eighty cows, ten bulls, and ten yearlings, in fulfillment of the 2d article of the contract of sale of said mission, for the complete accomplishment of which nothing remains but the delivery of the cattle, which is now at the piro, at the disposition of the aforesaid reverend padre.

They declare that they ratify the above-mentioned contract, and that the property that the Senor Arnas has transferred to the church is its property forever, and that neither himself nor those standing in his place shall have the right to set up claims of any kind; and if any were to be set up, of whatever kind, and under any pretext, right, cause, or other motive whatsoever, they shall not be
30 listened to judicially, and be adjudged as vercitious.

It is understood that the above refers to the two parties—to the first one according to the conditions to be observed by him according to his act of purchase; and the second party according to the rights granted to him under the second article of the document above referred to, and declare that this contract is of equal interest to both parties; that there is no fraud, deceit, nor lesion; renouncing their proper jurisdiction, domicil, and rights of neighborhood, the laws in their favor and defence, and the general law.

In testimony whereof they thus delivered these presents, and signed it with me and the assisting witnesses according to law.

FR. J. MA JESUS GONZALES.
JOSE DE ARNAS.
PEDRO C. CARRILLES.

Witness:
VICENTE MORAGA.
JUAN P. OLIVERA.

Cognizance hereof has been taken in the office of the vice-consulate of Spain.

CESARES LATAILLADO,
V. Consul.

Recorded in the office of the recorder of Sta. Barbara county
31 on this 9th day of October, A. D. 1852, at 7¼ o'clock p. m., in vol. 1 of Deeds and Documents, pages 22 and 23.
Witness my hand and official seal the day and year above written.
CHAS. E. HUSE,
County Recorder.

Filed in office Nov. 11, 1852.
(Signed) GEO. FISHER, *Sec'y.*

32 *Opinion of the board, delivered by Commissioner S. B. Farwell.*

MANUEL ANTONIO RODRIGUEZ de Poli
vs.
THE UNITED STATES.

479. For the mission of "Buenaventura," in the county of Santa Barbara, containing about twelve leagues.

This petitioner in this case has offered in evidence in support of his claim a grant, issued by Govenor Pico Pico to one Jose Arnaz, dated the 10th day of March, 1846; and also a deed of conveyance from the said Arnaz, dated the 29th day of August, 1850, to the petitioner.

The deed from Arnaz is properly authenticated, and to which there appears no objection, and the genuineness of the grant is freely established by Pio Pico, who swears that he executed the same on the day and at the place named in said grant, and for the purposes therein expressed.

This case presents for our consideration two important points, which have been held under advisement, and not heretofore acted upon, and a determination of which will settle the fate of a large number of important cases yet undetermined, so far as the action of this board is concerned.

First. The power of the govenor of California, under the Mexican authority, to sell or grant lands for consideration of money or services, and to exceed in amount eleven square leagues.

33 Second. Whether what is termed the mission lands were, at the time of the grant aforesaid, a species of property subject to grant or sale by the govenor under the then existing laws of Mexico.

The grant goes on to recite that whereas the government is about to be involved in a war with the American government, and that he, the govenor, had received instructions in view of the expected coming contest to make all possible preparations to defend the country in the best possible manner, and that the government was indebted to the said grantee in the sum of about twelve thousand dollars for services rendered, and for money and goods advanced by him, and that the government being without the necessary means of making payment, the grant is extended in satisfaction of the claim.

Pio Pico states in his deposition that the finances of the government and of the state at the time was in an embarrassed state, and that he was compelled to resort to every means in his power to pro-

cure funds to prosecute the affairs of state, and that he had special instructions from his government to do so, and was vested with full power on the part of his government to sell the premises in question, in furtherance of the objects above stated, and that the sum of about twelve thousand dollars was actually received by him in consideration of the aforesaid grant, and was by him applied to the use of the government in prosecuting the war which immediately ensued.

34 We do not deem it necessary to discuss the subject as to how far the govenor of one of the departments of Mexico would be authorized to transcend his ordinary powers under a state of affairs as above recited, as we think the points governing the case settled without it.

In the case of the United States *vs.* Arredondo *et al.*, 6th Peters, page 726, the court say:

"It is thus clearly evidenced by the acts, the words, and intentions of the legislature, that in considering these claims by the special tribunals, the authority of the officer making the grants or other evidence to claim to lands formed no item in the title it conferred; that the United States never made that a point in issue between them and the claimants to be even considered, much less adjudicated. They have submitted to the principle which prevails as [as] to all public grants of lands, or acts of public officers in issuing warrants, order of survey, permission to cultivate or improve, as evidence of inceptive and nacent titles, which is, that the public acts of public officers purporting to be exercised in an official capacity, and by public authority, shall not be presumed to be an usurped, but a legitimate authority previously given or subsequently ratified, which is equivalent."

And furthermore:

"If it was not a legal presumption that public and responsible officers claiming and exercising the right of disposing of the public domain did it by the order and consent of the government in

35 whose name the acts were done, the confusion and uncertainty of titles and possessions would be infinite, even in this country, especially in the States whose tenures to land depend on every description of inceptive, vague and inchoate equities, rising in the grade of evidence by various intermediate acts to a full and legal confirmation by patent under the grant seal."

And again in the same case the court says:

"That the judicial history of the landed controversies under the land laws of Virginia and North Carolina, as construed and acted on within those States, and in those where the land ceded by those States to the United States lie, and Pennsylvania, whose land tenures are very similar in substance, in all which the origin of titles is in very vague, inceptive equity, will show the universal rule that the acts of public officers in disposing of public lands, by color or claim of public authority, are evidence thereof until the contrary appears by the showing of those who oppose the title set up under it, and deny the power by which it is professed to be granted. Without the recognition of this principle there would be no safety in title

papers, and no security for the enjoyment of property under them."

Under the ordinance and regulations of the Mexican colonization laws the govenor is restricted in quantity to be granted to one man to eleven leagues, and it is contended that the govenor had no other power to grant lands except that contained and ex-
36 pressed therein, and that any grant made outside of those rules when the lands were granted for consideration, and not in reference to the furtherance of the object of said regulations, or when more is granted to one men than eleven leagues, that the govenor had exceeded his powers, and the grant made thereby be void.

It cannot be pretended that this grant was issued under the provisions of the colonization law, nor with any view of accomplishing thereby any of its objects, but for other and avowed purposes, that of paying and discharging an honest debt due from the government to one of its subjects, and to provide means to defend their country against the expected attack of a foreign enemy. It does not follow as a matter of course that because the govenor was restricted in quantity in the issue of grants under the provisions and regulations of the colonization laws, that he would be under the same restrictions when the grant was issued, irrespective of those rules and regulations; but the legal presumption is otherwise, and that he acted with full authority, until the contrary is shown by the party seeking to avoid the grant, which is not pretended to be done in this case, which position I think is fully sustained by the authorities above cited. And to say that because Mexico had been in a habit of making a free donation of her lands to her citizens, but in this instance because they had themselves imposed the additional hardship on the grantee of paying the sum of twelve thousand dollars, and after receiving the full consideration money, that they
37 now had the right, or that this government has, while standing in her place, to declare this grant void, would be too preposterous to be entitled to serious consideration. It would be making a distinction without a reason, and acting in violation of every principle of law, justice and equity.

This doctrine is also recognized by the Supreme Court in the late case of Freemont *vs.* The United States; although the point was not clearly raised in that case, yet their intimations are such as not leave a doubt as to their conclusion, if the matter had been fully and fairly before them. In that case they say:

"That the words of the grant are positive and plain. They purport to convey to him a present and immediate interest, and the grant was not made merely to carry out the colonization policy of the government, but in consideration of the previous public patriotic services of the grantee. This inducement is carefully put forth in the title papers. And although this cannot be regarded as a money consideration, making the transaction a purchase from the government, yet it is an acknowledgment of a joint and equitable claim, and when the grant is made in that consideration, the title in a court of equity ought to be as firm and valid as if it had been purchased with money on the same consideration."

As to the question of right or authority of the govenor to grant the mission land we have only to quote from the late decision of the said court in the case of the United States vs. Archibald A. Ritchie, wherein the court say:

38 "There appears to be no foundation for this objection, and they refer to the act of the Mexican congress of the 17th August, 1833, and subsequent acts and decrees, and conclude by saying, that "under these laws the authorities empowered to grant the public lands have dealt with those mission establishments the same as with any other portion of the public domain, the clergy, who previously had the charge and control, being confined simply to the ecclesiastical and spiritual direction and government of the missions."

We think, in view of the facts presented in the case and the authorities above recited, that this is a valid claim, and a decree will be entered accordingly.

Filed in office May, 15th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

39 *Decree of confirmation.*

MANUEL ANTONIO RODRIGUEZ DE POLI
vs.
THE UNITED STATES. } 479.

In this case, after hearing the proofs and allegations, it is adjudged by the commission that the claim of the petitioner herein is valid, and it is hereby decreed that his application for a confirmation thereof be allowed.

The place of which confirmation is hereby given is situated in the county of Santa Barbara, and is called mission of Buenaventura, and contains about twelve square leagues, reference being had to the grant and evidence on file for a more complete description.

R. AUG. THOMPSON,
S. B. FARWELL,
Commissioners.

Filed in office May 15th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

40 *Order.*

And it appearing to the satisfaction of this board that the land hereby adjudicated is situated in the southern district of California, it is hereby ordered that two transcripts of the proceedings and of the decisions in this case, and of the papers and evidence upon which the same are founded, be made out and duly certified by the secretary, one of which transcripts shall be filed with the clerk of the United States District Court for the southern district of California, and the other be transmitted to the Attorney General of the United States.

41 OFFICE OF THE BOARD OF COMMISSIONERS,
To Ascertain and Settle the Private Land Claims
In the State of California.

I, George Fisher, secretary to the board of commissioners to ascertain and settle the private land claims in the State of California, do hereby certify the foregoing thirty-one pages, numbered from 1 to 31, both inclusive, to contain a true, correct and full transcript of the record of the proceedings, and of the decision of the said board, of the documentary evidence and of the testimony of the witnesses, upon which the same is founded, on file in this office in case No. 479 on the docket of the said board, wherein Manuel Antonio Rodriguez de Poli is the claimant against the United States, for the place known by the name of "Mission of San Buenaventura."

In testimony whereof I hereunto set my hand and affix my private seal, (not having a seal of office,) at San Francisco, California, this twentieth day of October, A. D. 1855, and of the Independence of the United States of America the eightieth.

[SEAL.] GEO. FISHER, *Sec'y.*

42

43 OFFICE OF THE ATTORNEY GENERAL
OF THE UNITED STATES,
Washington, 3d December, 1855.

479, "Mission of San Buenaventura," Manuel Antonio Rodriguez de Poli, claimant.

You will please take notice that in the above case, decided by the commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 20th day of November, 1855, the appeal in the Disirict Court of the United States for the southern district of California will be prosecuted by the United States.

C. CUSHING, *Attorney General.*

Endorsed: Filed Feb'y 12th, 1856. C. E. Carr, cl'k.

44

45 In the District Court of the United States for the southern district of California.

Petition of P. Ord.

MANUAL A. R. DE POLI, appellee. *ads.* THE UNITED STATES, appellants. } Docket No. 318. Transcript No. 479.

CITY AND COUNTY OF LOS ANGELES,
State of California:

To the Hon. Isaac S. K. Ogier, judge:

The petition of Pacificus Ord, a resident of said city, county and State, attorney of the United States for the southern district of California, who petitions in this behalf for the United States, and being present here in court, in the name and behalf of the United States rep resents as follows :

That heretofore, to wit, on or about the 11th day of November, A. D. 1852, Manuel A. R. De Poli presented a petition to the commissioners to ascertain and settle the private claims in the State of California, when sitting as a board, claiming a tract of land called the Mission of San Buenaventura, in the county of Santa Barbara, State of California, which said petition is referred to for a descrip• tion of the land claimed, a copy of which appears in the transcript heretofore referred to. That thereafter, to wit, on or about the 15th day of May, A. D. 1855, the said commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter,
46 to wit, on or about the 23d day of October, A. D. 1855, a duly certified transcript of the proceedings and decision of the said commissioners in said cause, and the papers and evidence on which said decision was founded, was filed in the office of the clerk of the District Court of the United States for the southern district of California, and marked No. 479, reference to which it is prayed may be had and made part of this petition.

That on or about the 20th day of November, A. D. 1855, the honorable Caleb Cushing, Attorney General of the United States, received a duly certified duplicate of said transcript of the proceedings and decision of said commissioners in said cause, and the papers and evidence on which said decision was founded. That thereafter, to wit, on or about the 12th day of February, A. D. 1856, the said Attorney General of the United States filed, or cause to be filed, in behalf of the United States, a notice with the clerk of said District Court of the United States, that the appeal in said cause from the said decision of the said commissioners in the District Court of the United States for the southern district of California would be prosecuted by the United States. Your petitioner further represents that the land claimed, as aforesaid, is situate in the southern district of

California, and within the jurisdiction of this honorable court. Your petitioner further represents and insists that the said claim is invalid; and the said decision of said commissioners is erroneous and ought to be reviewed, reversed and set aside, for many errors and im-
47 perfections of law and evidence apparent in said certified transcript of the proceedings and decisions of said commissioners in said cause, filed and appealed from as aforesaid.

And your petitioner denies all and singular, each and every allegation in the said petition of said claimant, presented as aforesaid to said commissioners.

And your petitioner further denies that the said claimant has any valid right or title to said land claimed as aforesaid, or any part thereof.

And no sufficient proof having been made of the allegations in said petition to said commissioners, or in support of the said claim, no decision confirming the same should have been made by said commissioners; but the said claim should have been rejected by them. And the said claimant having no valid right or title derived from the Spanish or Mexican governments to the land as aforesaid, the lawful right and title in and to the said land was acquired by, and it now belongs to the United States, by virtue of conquest and the treaty of peace, friendship, limits and settlement between the United States and the republic of Mexico, made at the city of Guadalupe, Hidalgo, Feb'y 2nd, A. D. 1848.

Wherefore the said Pacificus Ord, attorney of the United States for the southern district of California, for and in behalf of the United States. by reason of the premises, and in pursuance of the act of Congress entitled "An act to ascertain and settle the private land claims in the State of California," approved March 3d,
48 A. D. 1851, and the laws and statute in such case made and provided, prays that the said claimant, or his attorney, may be served with a copy of this petition, and that this honorable court will review the said decision of said commissioners, and reverse the same, and decide on the validity of the said claim and decree the said title to be invalid, with costs and general relief.

P. ORD,
Attorney of the United States
for the Southern District of California.

Endorsed: Filed this 5th day of January, A. D. 1857. C. Sims, clk by J. H. Coleman, dep.

49 *Summons.*

UNITED STATES OF AMERICA, *Southern District of California, ss:*

The President of the United States to Manuel A. R. De Poli, greeting:

Take notice that a petition, a copy of which is herewith served upon you, has been filed against you in the District Court of the United States, in and for the southern district of California, on the 5th day of January, in the year of our Lord one thousand eight hun-

dred and fifty-seven, at the city and county of Los Angeles, in said district, by P. Ord, U. S. att'y, praying said court to review the decision of the U. S. land commissioners of the 15th day of May, 1855, confirming your claim to the land called Mission of San Buenaventura, and that you are required to appear at said court, in said city, within ten days after the service hereof, if served on you within the county of Los Angeles, and within twenty days if served on you in the county of San Diego or San Bernardino, and within forty days if served on you in any other county of said State, exclusive of the day of service, and answer said petition, or the petitioner will apply to the court for the relief demanded therein.

In witness whereof I have hereunto set my hand and affixed the seal of said court, at the city of Los Angeles, this 13th day of January, A. D. 1857.

C. SIMS, *Clerk.*
Per H. COLEMAN, *Dep.*

50 *Summons.*

I served this summons, together with a certified copy of the petition, upon Myron Norton, att'y for appellees, by delivering to him a copy of the same, at Los Angeles, in the southern district of California, on the 13th day of January, A. D. 1857.

EDWARD HUNTER, *U. S. Marshal,*
Per M. S. GOODMAN, *Dep.*

Sworn to and subscribed before me.
[SEAL] ——— ———, *Clerk.*

Marshal's cost.

Copying summons	60
Serving same	3
Serving petition	3
	$6 60

Endorsed: Filed this 13th January, A. D. 1857. C. Sims, cl'k, P. J. H. Coleman, dep.

51 In the District Court of the United States for the southern district of California.

Affidavit and order of substitution.

MANUEL ANTONIO RODRIGUEZ DE POLI, appellee, *ads.* THE UNITED STATES, appellant. } No. 318.—"Mission de San Buenaventura."

And now at this day comes Encarnacion Sanchez de Poli, widow and heir of M. A. Rodriguez de Poli, deceased, and moves the court

that she be substituted as defendant and appellee in this case in the place and stead of the said M. A. Rodriguez de Poli, deceased.

ENCARNACION SANCHEZ DE POLI.
By MYRON NORTON, *Her Att'y.*

In the District Court of the United States for the southern district of California.

MANUEL ANTONIO RODRIGUEZ DE POLI, appellee, *ads.* THE UNITED STATES, appellant. } No. 318.—Mission Buenaventura.

STATE OF CALIFORNIA, *Los Angeles County, ss:*

52 Antonio Rodriguez, of the county of Santa Barbara, State of California, being duly sworn deposes and says that Manuel Antonio Rodriguez de Poli, above named, and late a resident of San Buenaventura, in the said county of Santa Barbara, departed this life on or about day , A. D. 1856.

That said Poli at the time of his death was lawfully married to Encarnacion Sanchez, who became his sole heir, they having no children, and said Poli leaving no other heir to the knowledge of this deponent, and deponent believes that he died intestate.

Sworn and subscribed before me this 12th day of Jan'y, 1857.

ANTONIO RODRIGUEZ.

Sworn and subs'd to before me this 13th day of Jan'y, A. D. 1857.

C. SIMS, *Cl'k.*

MANUEL A. RODRIGUEZ DE POLI, appellee, *ads.* THE UNITED STATES, appellant. } No. 318.—Mission de San "Buenaventura."

On reading and filing the affidavit of Antonio Rodriguez, and on motion of Myron Norton, attorney for the appellee in this case, it is ordered by the court that Encarnacion Sanchez de Poli, widow and heir of Manuel Antonio Rodriguez de Poli, deceased, be substituted as defendant and appellee in this case, and that all further proceedings in this case be conducted in the name of the said Encarnacion Sanchez de Poli.

Endorsed: Filed Jan'y 13th, 1857. C. Sims, clerk.

53 In the District Court of the United States for the southern district of California.

Answer.

ENCARNACION SANCHEZ DE POLI, appellee, *ads.* THE UNITED STATES, appellant. } No. 318.—"Mission de San Buenaventura."

And now at this day comes the said appellee by Myron Norton,

her attorney, and for answer to the petition for review filed in this case by the United States district attorney, says:

That her claim to the lands mentioned and described in this case is good and valid and ought to be confirmed.

Wherefore she prays that this honorable court will affirm the said decision of the said land commissioner and decree the claim of the said appellee to be good and valid, and for such other or further and general relief as may seem just and equitable in the premises.

MYRON NORTON,
Att'y for Appellee.

54 I have served this answer upon P. Ord, esq., U. S. att'y, by delivering to him personally a true copy of same at Los Angeles, this 14th of January, 1857.

EDWARD HUNTZ, *U. S. Marshal,*
P'r M. S. GOODMAN, *Deputy.*

Sworn to and subscribed before me this 14th January, A. D. 1857.

C. SIMS, *Cl'k,*
Pr. J. H. COLEMAN, *Dep.*

Filed this 14th January, A. D. 1857.

C. SIMS, *Cl'k,*
Pr. J. H. COLEMAN, *Dep.*

55 *Order.*

On motion of J. R. Gitchell, esq., att'y for the United States, and by consent of parties, it is ordered that this cause be set down for hearing on the day of April, A. D. 1857, and then the parties have leave in the meantime to proceed to take testimony in said cause under the entry of this court.

This order to be entered in—

318. Poli for Mission of San Buenaventura, 23 April.
338. Den. for " " San Barbara, 25 April.

LOS ANGELES, *Dec. 7th,* 1861.

This paper was not put into the transcript by order of Judge Haight.

G. L. MIX, *Clerk.*

Filed Dec'r 17th, 1858.

C. SIMS, *Cl'k.*

56

57 In the District Court of the United States for the southern district of California.

Notice of trial.

THE UNITED STATES, appellants, *vs.* M. A. RODRIGUEZ DE POLI, appellee. } In D. C. No. 318. Mission of San Buenaventura. In L. C. No. 479.

To the said appellee or her attorney:

You are hereby notified that the above-entitled cause will be brought on for hearing before said district court on the first day of the next term thereof, to be holden in the city of Monterey, district aforesaid, commencing on the 6th day of June, A. D. 1859, or as soon thereafter as the same can be heard.

J. R. GITCHELL,
U. S. Dist. Att'y, Southern Dist. California.

Received June 2d, 1859, copy of the within notice.
MYRON NORTON & E. BROWN.
Att'ys for Claimant.

Filed June 2, 1859.

C. SIMS, *Clerk*,
P. W. W. STETSON, *Deputy.*

58 led in office this 21 day of April, A. D. 1859.
C. SIMS, *Cl'k.*

In the District Court of the United States, southern district of California.

THE UNITED STATES, appellants, *vs.* M. A RODRIGUEZ DE POLI, appellee. } In District Court, No. 318. Land Commission, No. 479.

Mission lands of San Buenaventua. Exhibits, from 1 to 42, inclusive, filed in behalf of appellants:

59 MISSIONS.

[Translation.]

Exhibit I.—Decree relating to the secularization of the missions of California.

Article 1. The government will proceed to secularize the missions of Upper and Lower California.

Art. 2. In each of said missions shall be established a parish,

served by a secular clergyman, with a stipend of from two thousand to two thousand five hundred dollars a year, as the government shall decide.

Art. 3. These parochial curates shall not recover or receive any fees for marriages, baptisms, or under any other name. As regards fees for processions, they shall be entitled to receive such as may be specifically named in the list made out for that object, as concisely as possible, by the reverend bishop of the diocese, and approved by the supreme government.

Art. 4. The churches which have served in each mission shall serve as parish churches, with the sacred vases, ornaments and other articles which each possesses at present, and such additional furniture belonging to said church as the government may deem necessary for the more decent use of said parish.

Art. 5. The government shall cause to be laid out a campo santa for each parish out of the way of the population.

Art. 6. Five hundred dollars a year are appropriated for the service and worship in each parish church.

Art. 7. Of the houses belonging to each mission, the most suitable shall be selected as the residence of the curate, the land appropriated to him not to exceed two hundred yards square, and the rest shall be specially devoted to a town-house, primary school, and public establishments and offices.

Art. 8. In order to provide promptly and effectively for the spiritual wants of both the Californias, there is established in the capital of the Upper a vicarship, which shall have jurisdiction over the two territories, and the reverend diocesan shall endow it with the most ample powers.

Art. 9. Three thousand dollars are appropriated as an endowment to this vicarship, the vicar being required to discharge his duties free of charge under any pretext or name, not even for paper.

Art. 10. If for any other cause, whatever, the parochial curate of the capital or any other parish in the district shall act as vicar, there shall be paid to him one thousand five hundred dollars, besides the stipend of his curacy.

Art. 11. There shall not be introduced any custom which shall require the inhabitants of California to make offerings, however pious they may be, although they may be termed necessary; and neither time nor the will of the said inhabitants shall give them any force or weight whatever.

Art. 12. The government shall take effectual care that the reverend diocesan shall contribute, so far as he is concerned, to fulfill the objects of this law.

Art. 13. The supreme government shall provide for the gratuitous transportation, by sea, of the new curates that may be appointed and their families, and besides, may give to each one, for his traveling by land from four to eight hundred dollars, according to the distance and the number of his family which he bring.

Art. 14. Government shall pay the traveling expenses of the religious missionaries who move; and that they may be accommodated

on land as far as their colleges or convents, may give to each from two to three hundred dollars, and at discretion so much as may be necessary to such as have not sworn to support the independence, that they may leave the republic.

Art. 15. The supreme government shall pay the expenses arising under this law out of the products of the securities, capitals,
61 and rents which are regarded as the pious fund in the missions of California.

August 17, 1833.

[Translation.]

Exhibit II.—Figueroa's provisional rules for the secularization of the missions.

Article 1. The governor, agreeable to the spirit of the law of the 17th August, 1833, and to the instructions which he has received from the supreme government, will, with the co-operation of the prelates of the missionary priests, partially convert into pueblos the missions of this territory, beginning in the next month of August, and commencing at first with ten missions and afterwards with the remainder.

Art. 2. The missionary priests will be exonerated from the administration of temporalities, and will only exercise the functions of their ministry in matters appertaining to the spiritual administration until the formal division of parishes be made, and the supreme government and diocesan provide curates.

Art. 3. The territorial government will reassume the administration of temporalities in the directive part, according to the following bases.

Art. 4. The supreme government will, by the quickest route, be requested to approve of these provisional regulations.

Distrbution of property and lands.

Art. 5. To every individual head of a family, and to all those above twenty-one years of age, although they have no family, a lot of land, whether irrigable or otherwise, of not exceeding four hundred varas square, nor less than one hundred, shall be given out of the common lands of the missions, and in community a sufficient quantity of land shall be allotted them for watering their cattle. Common land shall be assigned to each pueblo; and, when convenient, municipal lands also.

62 Art. 5. One-half of the self-moving property (cattle) shall be distributed among the said individuals, in a proportionable and equitable manner, at the discretion of the governor, taking as a basis the last accounts of all kinds of cattle presented by the missionaries.

Art. 7. One-half or less of the chattels, instruments, and seeds on hand and indispensable for the cultivation of the ground, shall be divided proportionably among them.

Art. 8. The remainder of all the lands, landed property, cattle and all other property on hand will remain under the care and responsibility of the mayordomos, or other officers whom the governor may name, at the disposal of the supreme federal government.

Art. 9. From the common mass of this property the subsistence of the missionary padres, the pay of the mayordomos and other servants, and the expenses of religious worship, schools and other objects of policy and ornament, shall be provided.

Art. 10. The governor, having under his charge the direction of temporal affairs, will determine and regulate according to circumstances all the expenses necessary to be laid out, as well for the execution of this plan as for the conversation and augmentation of this property.

Art. 11. The missionary minister will select the locality in the mission which may best suit him for his own habitation and that of his servants and attendant, and he shall be furnished with the necessary furniture and implements.

Art. 12. The library, sacred dresses, ornaments and furniture of the church shall be put in charge of the missionary padre, under the responsibility of the person who acts as subsciber, and whom the priest himself shall elect, and a reasonable salary be given for his troubles.

Art. 13. General inventories shall be made of all property on hand in each mission with due separation and explanation of the different branches, of the books, debit and credit, and all kinds of papers, of the amount owing by and to the missions, which document and account shall be forwarded to the supreme government.

63 *Political government of the pueblos.*

Art. 14. The political government of the pueblos shall be organized in perfect conformity with the existing laws; the governor will give the necessary instructions to have the ayuntamientos established and elections made.

Art. 15. The economical government of the pueblos shall be under the charge of the ayuntamientos; but as far as regards the administration of justice in contentious affairs, they will be subject to the primary judges of the nearest towns constitutionally established.

Art. 16. The emancipated Indians will be obliged to assist at the indispensable common labor which, in the opinion of the governor, may be judged necessary for the cultivation of the vineyards, orchards and cornfields, which, for the present, remain undisposed of until the resolution of the supreme government.

Art. 17. Said emancipated Indians will render to the missionary priest the necessary personal service for the attention of his person

Restrictions.

Art. 18. They cannot sell, burden, or alienate, under any pretext, the lands which may be given them; neither can they sell their cattle. Whatever contracts may be made against these orders shall be

of no value; the government will reclaim the property as belonging to the nation, and the purchasers shall lose their money.

Art. 19. The lands whose owners shall die without heirs shall revert to the possession of the nation.

General orders.

Art. 20. The governor will name such commissioners as he may see fit to carry this plan and its incidents into effect.

Art. 21. The governor is authorized to resolve any doubt or matter which may arrise relative to the execution of these regulations.

Art. 22. Until these regulations be put in force, the reverend missionary padres are prohibited from slaughtering cattle in large
64 quantities, except the common and ordinary number accustomed to be killed for the subsistence of the neophytes, without allowing any waste.

Art. 23. The debts of the mission shall be paid in preference, out of the common mass of the property, at the time and in the manner that the governor shall determine.

That the fulfilment of this law may be perfect, the following rules will be observed:

1st. The commissioners, so soon as they shall receive their appointments and orders, shall present themselves at the respective missions and commence the execution of the plan, being governed in all things by its tenor and these regulations. They shall present their credentials respectively to the priests under whose care the mission is, with whom they shall agree, preserving harmony and proper respect.

2d. The priests shall immediately hand over, and the commissioners receive, the books of accounts and other documents relating to property claims, liquidated and unliquidated; afterwards, general inventories shall be made out, in accordance with the 13th article of this regulation, of all property—such as houses, churches, workshops, and other local things—stating what belongs to each shop—that is to say, utensils, furniture, and implements; then what belongs to the homestead; after which shall follow those of the field, that is to say, property that grows, such as vines and vegetables, with an enumeration of the shrubs, if possible, mills, etc.; after that the cattle and whatever appertains to them; but as it will be difficult to count them, as well on account of their number as for the want of horses, they shall be estimated by two persons of intelligence and probity, who shall calculate, as nearly as may be, the number of each species, to be inserted in the inventory. Everything shall be in regular form in making the inventory, which shall be kept from the knowledge of the priests, and under the charge of the commissioner or steward; but there shall be no change in the order of the work and services until experience shall show that it is necessary, except in such matters as are commonly changed whenever it suits.

3d. The commissioner, with the steward, shall dispense with all superfluous expense, establishing rigid economy in all things that require reform.

65 4th. Before he takes an inventory of articles belonging to the field, the commissioner will inform the natives—explaining to them with mildness and patience that the missions are to be changed into villages, which will only be under the government of the priests so far as relates to spiritual matters; that the lands and property for which each one labors are to belong to himself, and to be maintained and controlled by himself without depending on any one else; that the houses in which they live are to be their own, for which end they are to submit to what is ordered in these regulations, which are to be explained to them in the best possible manner. The lots will be given to them immediately, to be worked by them as the 5th article of the regulations provides. The commissioner, the priest and the steward shall choose the location, selecting the best and most convenient to the population, and shall give to each the quantity of ground which he can cultivate, according to his fitness and the size of his family, without exceeding the maximum established. Each one shall mark his land in such manner as may be most agreeable to him.

5th. The claims that are liquidated shall be paid from the mass of property; but neither the commissioner nor the steward shall settle them without the express order of the government, which will inform itself on the matter, and, according to its judgment, determine the number of cattle to assign to the neophytes, that it may be done, as heretofore, in conformity with what is provided in the 6th article.

6th. The necessary effects and implements for labor shall be assigned in the quantities expressed by the 7th article, either individually, or in common, as the commissioner and priest may agree upon. The seeds will remain undivided, and shall be given to the neophytes in the usual quantities.

7th. What is called the priesthood shall immediately cease; the female children whom they have in charge being handed over to their fathers, explaining to them the care they should take of them, and pointing out their obligations as parents. The same shall be done with the male children.

8th. The commissioner, according to the knowledge and information which he shall acquire, shall name to the government, as
66 soon as possible, one or several individuals, who may appear to him suitable and honorable, as stewards, according to the provisions of the 8th article, either from among those who now serve in the missions, or others; he shall also fix the pay which should be assigned them, according to the labor of each mission.

9th. The settlements which are at a distance from the mission, and consists of more than twenty-five families, and which would desire to form a separate community, shall be gratified; and the appropriation of lands and other property shall be made to them as to the rest. The settlements which do not contain twenty-five families, provided they be permanently settled where they now live, shall form a suburb, and shall be attached to the nearest village.

10th. The commissioner shall state the number of souls which each village contains, in order to designate the number of municipal offi-

cers, and cause the elections to be held, in which they will proceed conformably, as far as possible, to the law of June 12, 1830.

11th. The commissioner shall adopt all executive measures which the condition of things demands, giving an account to the government, and shall consult upon grave and doubtful matters.

12th. In everything that remains, the commissioners, the priests, stewards and natives will proceed according to the provisions of the regulation.

JOSE FIGUEROA.
AUGUSTIN V. ZAMORANO, *Secretary*.

Monterey, August 9, 1834.

[Translation.]

Exhibit III.—Law of April 16, 1834, *relating to the secularization of the missions of the republic.*

Article 1. All the missions of the republic shall bo secularized.

Art. 2. The missions shall be converted into curacies, the limits of which shall be designated by the governors of the states where the said missions are.

67 Art. 3. This decree shall take effect within four months from the day of its publication.

April 16, 1834.

[Translation.]

Exhibit VI.—Instructions given by the central government to on Jose M. Hijar in relation to the secularization of the Missions and colonization of California.

Instructions by which Don Jose Maria Hijar, Political Chief of Upper California and Director of the Colonization of that and Lower California is to govern himself.

Article 1. He will cause a beginning to be made in occupying all the property belonging to the Missions of both the Californias, and the Military Commandant under his responsibility will lend, whenever required to do so, the necessary aid for the said occupation.

Art. 2. For the term of a year from the day on which the colonists shall arrive at the place they are to occupy, each one shall be allowed fifty cents a day, if they be four years beyond the term of their majority, and twenty-five cents if they be of a less age.

Art. 3. The expenses of traveling by sea and land shall be charged to the confederation. All the means of conveyance furnished, or which should be furnished, shall be given to the colonists, in full ownership.

Art. 4. Communities shall be formed by uniting the number of families which are sufficient to live in security, selecting situations that are suitable on account of the quality of the soil, the abundance and salubriousness of the waters, and the favorableness of the winds.

Art. 5. The frontier stations shall be settled at the earliest period practicable.

Art. 6. Topographical plains shall be prepared, on which shall be designated and marked the squares of which the settlement is to consist. The length of each side of the square shall be one
68 hundred yards, and all of its sides shall be equal. The width of the streets shall be twenty yards, and no lanes or alleys shall be permitted to exist in them. The open spaces shall be divided into ten streets each, besides the great plaza, which shall be in the center of the settlement.

Art. 7. Special care will be taken to collect into the villages the natives, mingling them with other inhabitants, and no community will be permitted to exist composed entirely of them.

Art. 8. In each of the sections of the villages, lots will be given to families that they may build houses; but they will not be suffered to build beyond the lines marked out for streets.

Art. 9. Outside of the villages, to each family, will be given, in full proprietorship and control, four portions of land, if it be irrigable, eight if it be temporal, (land dependent upon the seasons,) and sixteen if it be under water. There shall also be given four cows, two yoke of oxen or bulls, two tame horses, four colts, four young mares, four head of the smaller description of stock, two male and two female, besides the number of ploughs usually furnished.

Art. 10. Between every two lots belonging to individuals there shall be an opening of public equal to two lots.

Art. 11. After the distribution of the movable property of the missions of California, one-half of the remaining property shall be sold in the most advantageous manner.

Art. 12. There shall not be sold to any one family more than two hundred head of cattle of the same kind.

Art. 13. The remaining half of the movable property shall be reserved for the general government, and shall be applied to the expenses and subsistence of the missionaries and the payment of the salaries of the masters of the primary schools, the supplies of necessaries to the children of both sexes in the schools, and the purchase of implements of husbandry, which are to be furnished gratis to the colonists.

Art. 14. The political chief and director of colonization shall give at present and annually hereafter, a detailed account of the products of the property of the missions, of the changes in them, and of the articles that are left, and the distribution of the movable property among the colonists.

Art. 15. He shall furnish, at least once in each year, re-
69 turns of the condition of colonists, of the causes of losses, if there be any, and the means of making them prosper.

LOMBARDO.

Office of the Secretary of State,
Department of the Interior, Mexico, April 23, 1834.

[Translation.]

Exhibit V.

EXTRA SESSION *of Nov.* 3, 1834.
Territorial Deputation.

Regulations respecting the Missions which had been secularized agreeably to the supreme order of 11th August, 1833.

1st. In conformity with the 2d article of the law of 17th August, 1833, there is allotted, ad interim, to priests who discharge the duties of parochial curates, the sum of one thousand five hundred dollars to serve as curates of the first class, and a thousand dollars to those of the second class.

2d. The curacies which are regarded as of the first class, are those of the united population of San Diego and San Dieguito, San Luis Rey, Las Flores, and the population annexed, San Gabriel and Los Angeles, the two united populations of Santa Barbara, San Carlos, and Monterey together, Santa Clara united to San Sose de Guadalupe and San Jose, San Francisco Solano, San Rafael, and Coloma. Those which are regarded as of the second class are San Juan Capistrano, San Fernando, San Buenaventura, Santa Ynez, and La Purisima, San Luis Obispo, St. Miguel, and Lo Soledad, San Juan Bautista and Santa Cruz, San Francisco de Asis, and El Presidio.

3d. In conformity with the 6th and 9th articles of the law referred to, R. P. Commissary Prefect, Senor Francisco Garcia Diego will reside in this capital; and the political chief will request the reverend diocesan to confer upon the said prelate the powers belonging to said vicarship. His salary will be three thousand dollars a year, as provided by said law.

4th. The vicar and curates will be governed in all other respects by the law of August 17, 1833, already cited.

70 5th. Until the government shall provide parochial curates, the respective prelates will discharge the duties, provisionally, with the consent of the political chief.

6th. In conformity with the 6th article of said law, five hundred dollars a year will be paid for worship and service in each parish.

7th. The salaries of the vicar, curates, and amount for worship, will be paid from the common fund of the suppressed missions. The political chief will give orders that it may take effect.

8th. The 17th article of the provisional regulation of secularization, which required Indians to give personal services to the priests, is of no effect.

9th. In accordance with the 7th article of the said law, the political chief will cause the places for the dwellings of the curates, the town-houses, primary schools, and officers to be ascertained.

10th. The other points to which the superintendence of the rev. prelate, Fr. Narciso Duran, shall be devoted, as works determined on, are such as are authorized by the political chief as provided by the 21st article of the laws.

11th. This resolution shall be communicated, with the order to the prelates, that they may make it known to those under them.

Addition to second article.

Curacies that embrace two or more villages shall regard the first named as the head, where the officiating curates reside in the suppressed missions of San Diego and Santa Barbara.

[Translation.]

Exhibit VI.—Law of the Mexican Congress suspending the execution of the act of August 17, 1833.

Until the curates shall take possession under the 2d article of the law of August 17, 1833, the government shall suspend the execution of the remaining articles, and keep matters in the condition in which they were before the passage of said law.

Mexico, November 7, 1835.

71 [Translation.]

Exhibit VII.—Rules and regulations of Governor Alvarado, respecting missions, January 27, 1839.

The fact of there not having been published in due season a set of regulations, to which the management of the administradores of the missions ought to have been subject from the moment the so-called secularization was attempted, having caused evils of great transcendency to this Upper California, as these officers, authorized to dispose without limit of the property under their charge, do not know how to act in regard to their dependence upon the political government. and that of the most excellent departmental junta not being at present in session to consult with respecting the necessary steps to be taken under such circumstances, since the regulations of said secularization neither could nor can take effect, on account of the positive evils attending the fulfillment thereof, as experience itself has demonstrated, has induced this government, in consideration of the pitiful state in which said establishments at present are, to dictate these provisional regulations, which shall be observed by said administrators, who shall subject themselves to the following articles:

Article 1. All persons who have acted as administrators of missions, will, as soon as possible, present to the government the accounts corresponding to their administration for due inspection, excepting those persons who may have already done so.

Art. 2. The present administrators, who, at the delivery of their predecessors, may have received said documents as belong to the archives, will return them to the parties interested, who, in virtue of the foregoing article, will themselves forward them to government, they being solely responsible.

Art. 3. Said officers will likewise remit those belonging to their administration up to the end of December of last year, however long they may have been in office.

Art. 4. Said officers will remit as soon as possible an exact account

of the debts owing by and to the missions, which may at different times have been contracted.

72 Art. 5. Under no title or pretext whatever shall they contract debts, whatever may be the object of their inversion, nor make sales of any kind, either to foreign merchants or to private persons of the country, without the previous knowledge of government; for whatever may be done to the contrary shall be null and without effect.

Art. 6. The amounts owed by the establishments to merchants and private persons cannot be paid without an express order from the government, to which must likewise be sent an account of all such property of each mission as it has been customary to make such payments with.

Art. 7. Without previous permission from said government, no kind of slaughtering of cattle shall take place, except what is necessary for the maintenance of the Indians, and the ordinary consumption of the house; and even with respect to this the person in charge will take care that, as far as possible, no female animals be killed.

Art. 8. The traffic of mules and horses, for woolen manufactures, which has hitherto been carried on in the establishments, is hereby absolutely prohibited; and in lieu thereof, the person in charge will see that the looms are got into operation, so that the wants of the Indians may thus be supplied.

Art. 9. At the end of each month they will send to government a statement of the ingress and egress of all kinds of produce that may have been warehoused or distributed, it being understood that the Indians, at all times, are to be provided for in the customary manner with such productions; to which end the administrators are empowered to furnish them with those which are manufactured in the establishment.

Art. 10. The administrators will in this year proceed to construct a building on account of the establishment, to serve them for a habitation, and they may choose the locality which they may deem most convenient, in order that they may vacate the premises which they now occupy.

Art. 11. They shall not permit any individual of those called de razon (white people) to settle themselves in the establishments while the Indians remain in community.

Art. 12. They will, at an early period, present a census of all the inhabitants, distinguishing their classes and ages, in order
73 to form general statistics; and they will likewise mention those who are emancipated and established on the lands of said establishments.

Art. 13. The establishments of San Carlos, San Juan Bautista, and Sonoma, are not comprehended in the orders of this regulation. The government will regulate them in a different manner; but the administrators, who at different times may have had the management of their property, will be subject to the orders contained in articles one and two.

Art. 14. They will likewise remit an account of all persons em-

ployed under them, designating their monthly pay, according to the orders which may have been given, including that of the reverend padres, with the object of regulating them according to the means of each establishment; and these salaries shall not be paid now, nor hereafter, with self-moving property.

Art. 15. The administrators will, under the strictest responsibility, fulfill these orders with the understanding that in the term of one month they shall send the information required of them.

Art. 16. Government will continue making regulations respecting everything tending to establish the police to be observed in the establishments, and the manner to be observed in making out the accounts.

Art. 17. For the examination of these accounts, and everything thereto relating, the government will appoint a person, with the character of inspector, with a competent salary, to be paid out of the funds of said establishment; and this person will establish his office where the government shall appoint, and have regulations therefor in due time.

[Translation.]

Exhibit VIII.—Instructions to be observed by W. E. Hartnell in the inspection of the establishments of the missions of Upper California.

Article 1. It being a matter of the greatest importance that the missions be regulated as intended when I published my pro-
74 visional regulations of the 17th of January last, you will methodize the order which you consider best adapted to obtain the monthly information required, and have the annual accounts of the missions kept, and you will instruct the administrators how they shall organize them.

Art. 2. You will, with prudence and foresight, take an exact account of the self-moving property, and all other property on hand, calculating, as near as possible, the number of cattle, if it cannot be exactly got at.

Art. 3. In order to examine and count said cattle, you will take along with you a person of probity and information, who will attend to this business; and you will offer him the compensation which you may deem just for his services while the inspection lasts.

Art. 4. On presenting yourself at each of the establishments you will inform the administrator of the object of your arrival, referring to him or manifesting to him the respective orders, so that there may be no legal pretext for not punctually observing them.

Art. 5. If any of the administrators of the missions should make known to you any palpable wants, which in your opinion ought to be immediately remedied, you will take the proper steps to do so, although it may be necessary to dispose of some of the produce on hand in the stores.

Art. 6. Should any of the reverend padres, or other persons employed, make any complaints to you relating to the management of

the administrators, you will, with due prudence, make the decision which you think most just, and use your utmost endeavors to keep up harmony among all classes.

Art. 7. You will exhort the administrators to use all possible economy in the use of provisions, weekly and annual slaughtering of cattle, and crops of all kinds of eatables, in order by all these means to further the progress of these establishments.

Art. 8. You are authorized to regulate the weekly and annual slaughtering which it has been customary to make in the missions, taking into consideration the number of calves, marked (annually) so that the stock of cattle may not diminish.

75 Art. 9. You will likewise recommend the administrators to be affable in their treatment of Indians, and that the punishment they inflict be moderate and proportioned to their state of uncivilization; and that (the administrators) see that frequent divine service agreeably to the education which they have received.

Art. 10. If any of the administrators should disobey the orders of this government and not fulfil them duly, in spite of the good treatment you give them, you will inform the government by a courier, that it may determine what is to be done; and in case that circumstances should require it, you are authorized to suspend such officer for the time that you may consider necessary, and put the Mayordomos in charge in the mean time, in order that the labors of your commission be not paralyzed; and you will likewise inform the government, in order that it may determine what may be convenient.

Art. 11. The government expects, from you zeal, that you will be diligent in your commission, collect all kinds of information, and make the necessary observations for the formation of the police regulations which were promised in those of the 17th, already cited.

ALVARADO.

[Translation.]

Exhibit IX.—Regulations of governor Alvarado respecting the Missions of California, dated March 1, 1840.

Experience having proved in an undoubted manner that the mission of Upper California, for want of regulations organizing the management of the persons in charge of them, have in a short time suffered reverses and losses of great moment. The many abuses which are found to exist in the administration of the property of said missions, obliged this government to issue the regulation of 17th January, last year; but as it has been found that those have not been sufficient to root out the evils which are experienced, particularly on account of the high salaries with which the establishments are burdened, and which they cannot support, and being desirous to establish economy and a regular administration until the supreme

76 government determine what it may deem proper, I publish the present regulations, which are to be strictly observed:

Article 1. The situations of administrators in the missions of Up-

per California are abolished, and in their steady mayordomos are established.

Art. 2. These mayordomos will receive the following salaries: those of San Diego and San Juan Capistrano, one hundred and eighty dollars; those of Santa Barbara, San Luis Obispo, San Francisco de Asis, and San Rafael, two hundred and forty dollars; those of San Buenaventura, La Purisima, San Miguel, and San Antonio, three hundred dollars; those of San Fernando and Santa Ynez, four hundred dollars; those of San Luis Rey and San Gabriel, four hundred and twenty dollars; the one of Santa Clara, four hundred and eighty dollars, and the one of San Jose, six hundred dollars.

Art. 3. The former administrators may occupy said situations, provided that they be proposed in the manner pointed out by these regulations.

Art. 4 The situation of inspector, and the office established agreeable to the 17th article of the regulations of the 17th January, last year, shall continue, with a salary of three thousand dollars per annum, and his powers will be hereafter designated.

Obligations of the Mayordomos.

Art. 5. To take care of everything relative to the advancement of the property under their charge, acting in concert with the reverend padres in the difficult cases which may occur.

Art. 6. To compel the Indians to assist in the labors of the community, chastising them moderately for the faults which they may commit.

Art. 7. To see that the Indians observe the best morality in their manners, and oblige them to frequent the church, at the days and hours that have been customary; in which matter the reverend padres will intervene in the manner and form determined in the instructions given by the inspector to the administrators.

Art. 8. To remit to the inspector's office a monthly account of the produce they may collect into the storehouses, and an
77 annexed one of the crops of grain, liquor, etc., and of the branding of all kinds of cattle.

Art. 9. Said account must be authorized by the reverend padres.

Art. 10. To take care that the reverend padres do not want for their necessary aliment, and furnish them with everything necessary for their personal subsistence, as likewise to vaqueros and servants which they may request for their domestic service.

Art. 11. To provide the ecclesiastical prelates all the assistance which they may stand in need of, when they make their accustomed visits to the missions through which they pass; and they are obliged, under the strictest responsibility, to receive them in the manner due to their dignity.

Art. 12. In the missions where the said prelates have fixed their residence, they will have the right to call upon the mayordomos at any hour when they may require them; and said mayordomos are required to present themselves to them every day at a certain hour, to know what they require in their ministerial functions.

Art. 13. To furnish the priests of their respective missions all necessary assistance for religious worship: but in order to invest any considerable amount in this object, they will solicit the permission to do so from government, through the medium of the inspector.

Art. 14. To take care that in the distribution of goods received from the respective office to the Indians, the due proportion be observed among the different classes and description of persons; to which end the reverend padres shall be called to be present, and they will approve of the corresponding lists of distribution.

Ar. 15. To observe all the orders which they receive from the inspector's office, emanating from the government, and to pay religiously all drafts addressed to them by said conduct, and authorized by said government.

Art. 16. They will every three months send to the respective offices a list of goods and necessaries they may stand in great need of, as well for covering the nakedness of the Indians and carrying on the labor of the establishment, as to provide for the necessi-
78 ties of the priests and religious worship; so that, comparing these requisitions with the stock on hand, the best possible remedy may be applied.

Art. 17. They will take care to furnish the necessary means of transport and provisions to the military or private persons who may be traveling on the public service; and they will provide said necessaries as well for the before-mentioned persons as for the commandants of stations who may ask for assistance for the troops; and send in a monthly account to the inspector, that he may recover the amount from the commissariat.

Art. 18. They will likewise render assistance to all other private individuals who may pass through the establishments, charging them for food and horses an amount proportioned to their means.

Art. 19. They will take care that the servants under them observe the best conduct and morality, as well as others who pass through or remain in the establishments; and in urgent cases they are authorized to take such steps as they may consider best to preserve good order.

Art. 20. They may, without any charge, make use of the provisions produced by the establishments for their own subsistence and that of their families.

Art. 21. They may employ as many servants as they consider necessary for carrying on the work of the community, but their situations must be filled entirely by natives of the establishments themselves.

Art. 22. Said mayordomos are merely allowed to request the appointment of a clerk to carry on their correspondence with the inspector's office.

Art. 23. After the mayordomos have for one year given proofs of their activity, honesty, and good conduct, in the fulfillment of their obligations, they shall be entitled (in times of little occupation) to have the government allow the Indians to render them some personal services in their private labors; but the consent of the Indians must be previously obtained.

Art. 24. The mayordomos cannot make any purchase of goods from merchants, nor make any sale of the produce or manufactures of the establishments, without previous authority from government; second, dispose of the Indians in any case for the services of private persons, without a positive superior order; third, make any slaughtering of cattle, except what shall be ordered by the inspector to take place weekly, extraordinarily, or annually.

79

Obligations of the inspectors.

Art. 25. To make all kinds of mercantile contracts with foreign vessels and private persons of the country for the benefit of the missions.

Art. 26. To provide said establishments with the requisite goods and necessaries mentioned in the lists of the mayordomos, taking into consideration the stock of each establishment.

Art. 27. To draw bills for the payment of the debts contracted by his office, and those already due by the establishments.

Art. 28. He shall be the ordinary conductor of communication between the government and the subaltern officers of said missions, as well as between all other persons who may have to apply to government respecting any business relative to said establishments.

Art. 29. He will pay the salaries of the mayordomos and other servants, take care that they fulfil their obligations, and propose to government, in conjunction with the reverend padres, the individuals whom they may consider best qualified to take charge of the missions.

Art. 30. He will determine the number of cattle to be killed weekly, annually, or on extraordinary occasions.

Art. 31. He will form the interior regulations of his office, and propose to government the subalterns which he may judge necessary for the proper management thereof.

General orders.

Art. 32. All merchants and private persons who may have any claims on said missions will, in due time, present to the inspector an account of the amounts due to them, with the respective vouchers, in order that the government may determine the best manner of settling them, as the circumstances of said mission may permit.

80

Art. 33. With respect to the missions of San Carlos, San Juan Bautista, Santa Cruz, La Soledad, and San Francisco Solano, the general government will continue regulating them as circumstances may permit.

Art. 34. Officers and magistrates of all kinds are at liberty to manifest to government the abuses they may observe in those charged with fulfilling these regulations, so that a quick remedy may be applied.

Art. 35. The government after previously hearing the opinions of the reverend padres, will arrange matters respecting the expenses of

religious worship, and the subsistence of said padres, either by fixing a stated amount for both objects, or in some other manner which may be more convenient toward attending to their wants.

Art. 36. All prior regulations and orders conflicting with the present are annulled; and if any doubt occurs respecting their observance, the government will be consulted through the established channel.

Art. 37. During the defect or temporary absence of the mayordomos, the reverend padres will, in the mean time, take charge of the establishments.

[Translation.]

Exhibit X.—Petition made to the supreme government by the most illustrious Senor Bishop of the Californias, in his communication of the 7th inst., and a private letter of the same date.

From the time the temporalities they created and augmented with their personal labor and their stipends were taken away from the missionaries, the seculars, and their attendants, and among them some with whom I am acquainted, to whom could not be trusted even a small quantity, entered into the possession of the property of the missions, the destruction of said property in such hands is already understood.

There should exist in the ministry of your excellency reclamations which I have made upon this subject, and whereupon
81 the general congress passed a law suspending the ordering the secularization of the missions, which, as I conceive, up to the present time, has not been carried into effect, probably by just considerations of government.

In the next reclamations I made in the year 1836 I notified the supreme government of the evils which the missionaries have to contend with, and not the least among them that the administradores of the missions took possession of the houses in which the fathers were living—houses built by the religieuses, and in the construction of which they invested the stipends which they were receiving, and the labor of their hands. They have been compelled, as I myself can bear witness, to live there as so many bankrupts, and with great inconvenience.

They keep in the habitation certain people who, some nights, by their intoxication, gambling, and dancing, which with shame the neophytes are witnessing, disturb their rest. Verily, unsupportable! What a miserable life for a few devoted religieuses, and so much so that many of them have contemplated the abandonment of the missions, and seek the peace and tranquility of their minds in retirement! Tormenting life, that dissuaded many from going to the missions, not to expose themselves to so much suffering and disregard for their character! I do not wish it to be believed from this that I wish the delivery of the temporalities to the religieuses to be carried into effect.

I well know, and have already communicated it to the government, that within a short time there will be nothing of the property of those opulent missions, which the administradores received when the fathers delivered them over. What I desire is, that for the new missions that may be established some legislation may be taken to prevent the recurrence of such flagrant disorders.

Otherwise, what missionary father is there who may wish to labor to increase the property of the unhappy Indians, if experience teaches him to know that they are to be taken away from their legitimate owners, and delivered to others to enjoy, without having cost them any anxiety or labor? Who is the religieuse that would desire to build a house, or plant an orchard for his recreation and
82 comfort, if he has seen that they are to be taken away from him, and are taken possession of by men who before have been supported by alms from the said missionaries, and that the senors unexpectedly move and the unhappy fathers have to live at their own expense?

What I insist on, and will always insist, is that the houses and orchards which they or their predecessors have made, which are contiguous to and in immediate communication with the churches, remain to the benefit and use of the missionaries. The administradores, as they have at their disposition the Indians and property of the missions, can build a house for them and leave the fathers in peace and quietude. I deem this measure of so great necessity, that if it is not adopted there will not be any one who will desire to go to serve the missions. From the present time I lay the matter before the supreme government, and if it is a measure so necessary for the missionaries, what shall be said with respect to the bishop? It would be a deplorable thing that meanwhile he erects his house, he should have no place in which to collect his family, or where to put his students and ministers, neither where to commence his seminary.

Therefore, then, I pray the supreme government:

1st. That an order be issued (which I will bear,) for the delivery of the houses and orchards of the mission to the missionaries, and that in the interim, that San Diego, or that of San Luis Rey, may be occupied by the bishop and his attendants, together with the missionary father, until the bishop can build his episcopal house, and the edifice for his seminary.

2d. As it might be anticipated the administradores refuse the fathers the services of the Indians, and this even when offering them liberal pay. This demands another disposition of the supreme government, in order that I may be furnished servants with equitable and not arbitrary salaries. At the same time, I pray that the lands upon which to build my church, my house, and my seminary, may be given me.

3d. The supreme government is well apprised that I have in my bishopric no other clergy besides the Fernandines, Zacatecans, and Dominicans, religieuses of the Province of Mexico, and if the prelates of these orders should deprive us of their subjects I
83 would not have any one with whom to fill their places for the present.

As I have been informed, the provincial father of Santo Domingo intends or contemplates withholding from the religieuses his subjects, the powers which as missionaries in their order they are enjoying; and this measure would tend a great deal to induce the former to leave, and prevent others from going to the missions, and it should extract from the consideration that the sacrifices which they make are unprofitable to them and their religion.

Wherefore I pray the supreme government to notify the rev. provincial father not to make any innovation, and that the missionaries continue as they are until the bishop shall have clergymen to occupy their places, and till they may be able to devote themselves to the triumphant conversions. I also desire the government to commend me to the rev. guardian fathers of Guadalupe, of Zacatecas and San Fernando, in order that they may supply me with religieuses, and that if any desire to accompany me it may not be forbidden them.

4th. The supreme government asked the holy Pope, through our messenger to Rome, that I should be permitted to carry to my bishopric as many clergymen (sacerdotes) as should desire to accompany me and should meet my approbation, without their respective prelates being able to prevent it. This authority did not come among those I have in my possession. I would desire, therefore, that this particular be laid before Señor Montoyo, and that meanwhile the government may be engaged with the parties when any one, whether of the secular or regular clergy, shall give notice thereto of his desire to accompany me and I manifest my approbation to government.

5th. As the conversion of the heathen and the propagation of the faith is one of my principal objects, it is indispensable that I have an agency for the accomplishment of my desires. The colleges approved by the republic, except that of Guadalupe and of Zacatecas, are failing, and this is scarcely able to protect the ten missions now under my charge. I therefore believe it to be necessary to permit me to establish a board of missionaries in my bishopric, that these may
84 continue forming new missions or parishes; and I pray the government, through our messenger to Rome, to supplicate the holy Pope that I may proceed, although with but one religieuse, to the foundation, in order that the latter may confer habits and professions upon those who may desire to dedicate themselves to the all-important conversion of the heathen. Likewise I request that the island called Los Angeles be given for the location of this college, or some other tract of land suitable for the purpose.

6th. The girls generally have suffered the want of the education and instruction necessary to make them useful in society. Therefore I desire to establish at the place of my residence a female college, for which I need an adequate tract of land.

7th. By an anomaly which I did not understand, the tithes have been collected in my bishopric on behalf of the civil government of Sonora. These authorities should be prohibited from doing this, so that the faithful may be at liberty to give them henceforth to the church, which, although small, will assist in the grand schemes of public beneficence that I have formed.

8th. The government burdened the charitable fund of my church by a loan which it made to Senor Teran of seventy thousand dollars, at the ruinous interest of two per cent. per month. The government obliged itself to pay (as I am informed) upwards of two hundred dollars daily for the purpose of extinguishing this onerous debt. For a short time it fulfilled this promise, and afterwards it has left it against the fund, which, in order not to lose its threatened capital upon the same conditions of the loan, has been making sacrifices to fund the debt as well as to pay the monthly interest. Under the circumstances the said fund has become destitute of the arbitrios of given the stipends to the missionaries whose drafts are funding, and unable to render me any assistance in the expenditures which I should make to proceed to my diocese, which, as your excellency is well aware, are great. It is, therefore, just that I ask the government to provide some means to settle the debt of Senor Teran immediately, in order that the fund may remain unembarrassed.

I neglected to mention in my communication, that I desire
85 to locate my edifices, or rather to form a settlement on a rancho situate in front of San Diego, as well for the conveniences thereof for water and wood as for not being littoral and exposed to the invasions of any pirate. Moreover, its climate is very good. If the government should desire to have a military force there, it would be of the greatest importance to the communication with Sonora, because it would repress the Indians from the Rio Colorado, and it would also be very important in any attempt to subdue these miserable beings, and to their temporal and spiritual happiness. I am persuaded that the communication with the interior of our republic by this means would be facilitated, and the government would have more frequent intelligence from this department.

Signed) F. FRANC'O,
Obispo de California.

(Translation.)

Exhibit XI.

MINISTRY OF THE INTERIOR.

MOST ILLUSTRIOUS SIR: Having placed the communication of your most illustrious worship, of the 17th inst., before his excellency, the president, and having examined everything set forth therein, in order that you may fulfil your responsible duties as bishop of California, he has been pleased to decree in conformity with everything asked in the said communication, and also that which you solicited in a separate letter of the same date, to the extent of the prerogatives of his excellency, and in conformity with the decree of the general Congress of Nov. 7, 1835, which provided that the missions remain in the state in which they existed prior to the law of August 17, 1833, for which purpose an order is issued from this ministry to his excellency, the governor of California, to restore without delay, by means of the subaltern authorities, to the missionary fathers, the possessions and

property which were under their administration for the conversion of the heathen.

86 In contestation, I communicate to your most illustrious worship.

God and liberty.

Mexico, November 17, 1840.

(Signed) MARIN.

Most illustrious Senor, Bishop of the Californias:

At the solicitation of the senor bishop of California, I hereby certify that the signature affixed to this document is that of the minister of the interior at the said date, Senor Marin, according to other official documents that I have seen from said persons.

San Francisco, December 20, 1851.

[L. S.] (Signed) SCHLEIDEN,

Mexican Vice Consul for San Francisco.

Vice-consul of the Mexican Rebublic in San Francisco.

I, George Fisher, secretary of the U. S. land commissioners to ascertain and settle private land claims in California, hereby certify the foregoing to be a true and correct translation of "Exhibit No. II, P. L., annexed to the deposition of Jose Miguel Gomez, Dec. 29, 1854," Joseph S. Allemany v. The United States, now on file in this office.

In testimony whereof I have signed my name at office, at the city of San Francisco, California, this 27th March, 1855.

GEO. FISHER, *Secretary.*

(Translation)

Exhibit XII.

NOVEMBER 7, 1840.

His excellency, the president, has been pleased to decree, in conformity with everything the reverend bishop of the Californias has petitioned in this communication, to the full extent of his authority, and in conformity with the decree of congress of the 7th November, 1835, which ordered the missions to be restored to their for-

87 mer condition; for which purpose a general order shall be issued to the senor governor of the Californias for the restoration, by means of subaltern authorities, without delay or impediment, of the possessions and property used by them under their administration for the conversion of the heathen to the missionary fathers, and this and all other orders issued in attention to the petition of the reverend bishop shall be placed in the hands of his grace for his greater success· and another order shall be delivered to him for the governor, to render him assistance in whatever may pertain to the establishment of the bishopric. And so far as respects the lands, whether they now are or have been in the possession of

the missions, let an oficio issue to the board of directors of the bank for the purpose of conferring with his grace, so far as it may be consistent with his well known charity, upon whatever may facilitate his petitions, and he will manifest the amount of the deficiency of the arbitrios of the bank to the government, that it may initiate into the legislative power, or that it may be disposed of as by law provided, and let the reverend bishop be replied to by this decree.

A copy.

Mexico, Nov. 21, 1840.

S. YTURBES.

MEXICO, *October* 8, 1852.

Conformable.

(Signed) JOSE MARIA DURAN.

I, the first clerk of the department of relations, certify the foregoing to be the authentic signature of Senor Don José Maria Duran, first clerk of the department of justice.

(Signed) I. MIGUEL ARROYO.

(Translation.)

Exhibit XIII.—Instructions and powers of Micheltorena.

Under date of the 11th of February, 1842, the Minister of War says what follows:

MOST EXCELLENT SIR: His excelleney, the president ad in-
88 terim, being desirous that the department of California should take advantage of all the resources which it possesses, for its prosperity, for placing itself in a state of defense, and for acquiring that happiness which nature itself invites her to take possession of; and bearing in mind the disturbances which have taken place in the country, and which, on account of the distance, the national government has not been able to avoid; the situation in which Y. E. will be placed, and the measures which you will have to adopt, and which will produce the desired effect, if you wait for the proper time to put them into execution, for there are matters which do not admit of the least delay, and in the persuasion that Y. E. will not abuse your powers, but that you will exercise them for the welfare and the service of all the inhabitants of that interesting and fertile department which the supreme government has placed under your charge and responsibility, he (the president) has been pleased to grant to the Y. E., over and above the attributions assigned to you by the existing laws and regulations, as governor, commandant-general and inspector, all the powers which the supreme government can confer upon you, in order that by virtue thereof you may remove from office all such civil and military officers dependent on said government who shall not fulfill their duties or act up to the confidence reposed in them by the same, and fill their situations by appointing worthy citizens who shall take their places

and enter upon their duties; but with the understanding, nevertheless, you report to government the motives of your proceedings for its approbation. The views of the supreme magistrate do not only refer to Upper California but extend likewise to Lower California, where certain seditous movements have appeared, which being fomented by hidden enemies it has caused some foreigners to take part, when their very quality of foreigners prohibits them from intermeddling in domestic strife; and as the President is resolved to protect the troops, authorities, and citizens of said peninsula, he has determined that your military command shall likewise extend to Lower California as well as the civil command separating it from Sinaloa; and the commandant-general of the department of Sonora and Sinaloa will continue to furnish you with the resources and assistance
89 which you may require for the purpose of securing peace, furnishing the troops, providing for the wants of the citizens, and enabling you to provide for the prosperity and happiness of the whole department. Although the 1st article of the law of 2d of February, 1839, derogated the articles of that of the 18th of February of the same year, which subjected the subordination of the staff of the army, and the 13th article of the first mentioned decree merely leaves the commandant-general of the east and west with the former attributions of inspector which they possessed in the companies of presidios, his excellency, the President, has determined that your powers shall extend as inspector to the permanent battalion of California, and that you take charge of all the mechanism thereof, and report to the staff of the army.

You will become acquainted with the good or bad management of the maritime custom-house of both Californias, you will have to examine the situation of all the missions with respect to their management, improvement, and state of accounts; you will have to proceed to the inspection and reorganization of the companies of presidios, and in all cases (were you not to act) the evil would have to remain until government could resolve.

The supreme government, trusting in your justice and activity, desires that you should meet with no obstacles, and therefore the powers conferred upon you are made extensive to those branches, and to all others which may conduce to the welfare of the country, including many others, the administration of the post-office department, colonization, the establishment of presidios, the improvement of ports, the safety of towns, the civilization of wild Indians, the education of youth, the opening of the roads, the furtherance of the arts, the protection of agriculture and commerce, the establishment of houses of correction, and the establisment of towns.

You know the views of the supreme government, and are well aware, that being a friend of improvement, it merely desires the union of Mexicans, and that the community in general may enjoy the protection of the laws, be obedient to their authorities, understand that it is our duty to procure the welfare of every one and
90 avoid that all others be injured. I therefore will not detain myself by recommending you to propogate these prin-

ciples, and will merely mention that when the supreme magistrate dictated his instructions he wished to manifest to you his esteem, and the importance of the command he has confided to you, and to assure the inhabitants of California that the present administration desires their happiness, disavows all apathy, and is ready to impart to that department all the resourses which it may desire, and be able to furnish it.

I communicate this to Y. E. for your satisfaction.

God and liberty.

Mexicc, 11th February, 1842.

TORNEL.

To Gen. Don Manuel Micheltorena.

I certify that the foregoing copy is the same as the one that was copied from the original when I was in charge of the governor's secretaryship.

(Signed) MANUEL JIMENO.

Montreal, July 6th, 1850.

(Translation.)

Exhibit XIV.—Proclamation of Governor Micheltorena concerning missions.

Manuel Micheltorena, general of brigade of the Republic, adjutant-general of the Plana Mayor, governor of the same, commanding general and inspector of both Californias.

It being one of the ample or complete instructions or orders, with which is invested the undersigned general and governor, viz: to examine into the situation of all the missions in his government at the present moment, their prospects and resources, in order to regulate them, and the supreme national government having transmitted all its powers, according to the supreme order made February 11, 1842.

On deliberation, and with the assent of the most reverend fathers, Fray, José Joaquin Jimeno, Fray, José Ma. de Jesus Gonzalez Rubio, who had been made personally to appear before the govern-
91 ment, as presidents of other missions, as well as in the name of, and to represent the most reverend father, presidential vicar, the absent Fray, Narciso Duran, being fully impressed with and having well reflected upon all things requisite.

That the vast and immense landed property formerly belonging to the missions, has been scattered or partitioned out to individuals, which at the epoch it was done was caused by the exigencies of the country.

That the pious and charitable institutions of social order for the conversion of the savages to catholicism and to an agricultural and peaceful life, are reduced to the huertas and inclosures of the churches and buildings.

That the most rev. ecclesiastics have no support but charity, and that the divine religion not prospering, barely sustains itself.

That the Indians, naturally lazy, from additional labor, scarcity of nourishment, and in a state of nudity, having no fixed employment or appointed mission, prefer to keep out of the way and die impenitent in desert woods, to escape a life of slavery, filled with all privations and without the social joys.

That this continued emigration of the natives from the service of individuals to that of missions, and from that of the missions to that of individuals, or to the woods, retards more and more, agriculture, and frightens off, instead of drawing together, the gentiles from without the pale of our holy religion.

That in the administration of the missions, there have been committed some frauds and notorious extravagance, which every inhabitant of California laments.

That as there is no other method of reanimating the skeleton of a giant like the remains of the ancient missions, without falling back upon experience and fortifying it with the levers of civil and ecclesiastical power,

Now, everything well considered aud naturally reflected upon, I have determined to decree the following articles:

No. 1. The government departmental, decrees to be "delivered up or restored" to the most rev. fathers (who shall name the ecclesiastic to be placed respectively in charge) the missions of—

92

San Diego,	San Juan Capistrano,
San Luis Rey,	San Gabriel,
San Fernando,	San Buenaventura,
Santa Barbara,	Santa Cruz,
San Antonio,	La Purisima,
San Jose,	Santa Clara.

Which shall continue for the future, to be governed by the most rev. fathers (they taking charge of the natives) in the same manner as they were before.

No. 2. The government considers what has been done to this date irrevocable, the missions can reclaim none of the lands granted prior to this date; and in reclaiming the cattle, chattels, and instruments of agriculture loaned by the rev. fathers, curators, or superintendents, they shall grant sufficient time, and arrange with the debtors or holders, amicably.

No. 3. They shall likewise take care to collect the scattered neophytes or converts. First, those lawfully exempted from the supreme departmental government. Second, those who at the date of this decree are provided for by individuals, it being however understood, that if any of both classes, wish and prefer to return to their respective missions, they shall be admitted and received, with cognizances of the masters and the most rev. fathers.

No. 4. The departmental government, in whose possession up to this day have been the missions, in virtue of the most ample powers with which it is invested, and referring to the aforesaid considerations, authorizes the most rev. fathers to apply the products of the

missions to the necessary expenditures of the reduction, food, clothing, and other temporal wants of the Indians; and they shall likewise take from the same fund their own support, for the salary of the mayordomo, and for the support of the divine religion, under the condition that they shall remain obligated by their word of honor and conscience, to deliver to the treasury, upon notice to the rev. fathers, of this government, and the express order, in writing, of the undersigned governor, commanding general, and inspector of relief, sustenance, and clothing, of the troops and observances of the civil employees, the eighth part of the whole annual produce of every kind; keeping for the guidance of its ecclesiastics a true and
93 exact account, at the end of the year, of the number of their converts, possessions real and personal, and of every description of produce or its corresponding value which may belong to such mission.

No. 5. The departmental government, which glories in religion as well as the whole of California, and in the same manner being interested as well as all and every one of the inhabitants of both Californias in the advancement of the holy catholic faith and in the prosperity of the country, "dedicates itself," (or places at the disposition of "all its power.") in aid of the missions, and in quality of general commanding the power of its arms, to protect, and defend, and sustain them, and in the possession and preservation of all the lands they may hold from this day, they shall be the same as the possessions and guarantees enjoyed by private persons, binding itself to make no new grants without the information of the respective authorities of the most rev. ministers, notorious non-occupation, non-cultivation, nor necessity.

Dated 29th day of March, 1843.

MANUEL MICHELT'NA.
FRANCISCO ARCE,
Secretary.

[Translation.]

Exhibit XV.—Act of departmental assembly.

IN EXTRA SESSION, *August* 24, 1844.

The report of the committee on landed property and war, instructed to point out the means of which the government might avail itself to defray the expenses of the war with which the country is threatened by a foreign nation; in which report are five articles in relation to the missions of Upper California, as the only available resources under existing circumstances; having been taken under consideration, the five articles named were debated seriatim, and unanimously approved, it being decided that the original of
94 the report referred to should be recorded among the acts of the present session, a copy thereof being given to the governor of the department for his information, to be published when he should deem proper, in order to prevent abuses in these matters.

Most excellent assembly:

The special committee appointed to report with regard to the means which are presented in the communication of the governor of the department of the 12th inst., for the subsistence of the auxiliary forces raised by him in consequence of the probability of a war between our nation and the United States of the North, states that it has considered the subject with the greatest attention, and that in weighing its reflections it has not been able to decide; but taking nto view the critical situation of the country, threatened with the ioss of her rights and liberty, and looking to the exhausted condition lof the national treasury and the necessity of finding out means of security and defense, the only safe course pointed out by the committee to reduce the demands upon the government for that object, is to have recourse to the missions, as well because they are going to ruin, being entirely out of employment, as because they should be regarded as the property of the nation, after providing suitably for their respective neophytes. It presents for your deliberation the following articles:

1. The superior government of the department may expose to sale, hypothecate, or lease the property, chattels and cultivated lands of the missions of Upper California, including the extent from San Diego to Sonoma, and dispose of them to defray the expenses of the war, their respective legal debts being first paid out of the price they may bring.

2. The mission of Santa Barbara, which shall exist as an episcopal palace, its neophytes being taken care of; that of Santa Ynez, as a college of instruction in the higher branches of study for the youths of California; and whatever else the government shall reserve for the national crops necessary for the subsistence of the troops, shall be excepted.

3. The government shall fix the time, manner, and form, in which the said sale, hypothecation, or leasing, is to be effected, and shall order a prudent division of such of the movable property
95 as is most useful among the neophytes, respectively giving them lands.

4. The government shall have power to except entirely the debts which some private individuals owe to the said missions, and dispose of them for the same object as the rest, of which the first article speaks.

5. The missions, when sold, shall hold thereafter the character of villages; and those which are hypothecated or rented, if they be occupied by the government, as departmental property—it being provided in the regulation which is made that what is proper shall be set apart for its support, the emoluments of the right reverend fathers, proper public worship, and the spiritual aid of the villages.

Monterey, Aug. 24, 1844.

DAVID SPENCE.
PIO PICO.
NARCISCO BOTELLO.

[Translation.]

Exhibit XVI.—Act of departmental assembly, 21st April, 1845.

Pio Pico, senior vocal of the honorable assembly and governor, ad interim, of the department of the Californias:

To the inhabitants: Know ye, that the excellent departmental assembly has convened and decreed the following:

1. The government, with the least delay, will demand exact information of all the persons having charge of the missions in order that they may give it truthfully, of active and passive debts, showing the resources they have to pay the passive ones.

2. The government, from the publication of the present decree, will suspend until a convenient time the granting of the lands immediately contiguous to the missions, considering that some of them are indispensable or reserved and appropriated under the class of common lands.

3. Likewise, the government will suspend hereafter the giving to the civilized Indians any free letter, until some decisive
96 measures may be taken upon the footing on which the missions must remain.

4. The government will direct the information to the rev. father prefects, in order through them, that these prefects may direct to the reverend fathers in whose charge are the missions, in order that they may restrain any sale of the useful movables of the establishments under their charge; likewise such other things as are necessary to them. Let it be understood by the governor of the department that he will dispose, that it will be complied with, published, and circulated.

Hall of sessions of the honorable assembly of California, April 21, 1845.

PIO PICO, *President.*
AUGUSTIN OLVERA, *Secretary.*

In order that it may come to the notice of every person, I order that its publication and circulation in the towns under my jurisdiction, posting it in the accustomed places.

Given in the city of Los Angeles, capital of the department, on the 21st of April, 1845.

PIO PICO.
JUAN RANDINI, *Secretary.*

[Translation]

Exhibit XVII.—Decree of the departmental assembly of May 28th, 1845, respecting the renting of some of the missions, and converting others into pueblos, etc.

Article 1. The departmental government shall call together the Indians of the missions of San Rafael, Dolores, Soledad, San Miguel, and La Purisima, which are abandoned by them, by means of a proclamation, which it will publish, allowing them the term of one month

from the day of its publication in their respective missions, or in those nearest to them, for them to reunite for the purpose of occupying and cultivating them; and they are informed that, if they fail to do so, said missions will be declared to be without owners (mos-
97 trencas) and the assembly and departmental government will dispose of them as may best suit the general good of the department.

Art. 2. The Carmelo, San Juan Bautista, San Juan Capistrano, and San Francisco Solano shall be considered as pueblos, which is the character they have at present; and the government, after separating a sufficient locality for the curate's house, for churches, and appurtenances, and court-house, will proceed to sell the remaining premises at public auction in order to pay their respective debts; and the overplus, should there be any, shall remain for the benefit and preservation of divine worship.

Art. 3. The remainder of the missions as far as San Diego, inclusive, may be rented out at the option of the government, which will establish the manner and form of carrying this into execution, taking care in so doing that the establishments move prosperously onward. These respective Indians will consequently remain in absolute liberty to occupy themselves as they may see fit, either in the employment of the rentor himself, or in the cultivation of their own lands which the government will necessarily designate for them, or in the employ of any other private person.

Art. 4. The principal edifice of the mission of Santa Barbara is excepted from the renting mentioned in the foregoing article; and the government will arrange in the most suitable manner, which part thereof shall be destined for the habitation and other conveniences of his grace the bishop and his suite, and which for the reverend missionary padres who at present inhabit said principal edifice. And likewise one-half of its total rent of the other property of the mission shall be invested for the benefit of the church, and for the maintenance of its minister, and the other half for the benefit of its respective Indians.

Art. 5. The products of the rents mentioned in article 3 shall be divided into three equal parts, and the government shall destine one of them for the maintenance of the reverend padre minister and the conservation of divine worship; another for the Indians; and the last shall necessarily be dedicated by government towards education and public beneficence, as soon as the legal debts of each mission be paid.

98 Art. 6. The third part mentioned in the 5th article as destined for the maintenance of the priests and help towards divine worship, shall be placed at the disposal of the reverend prelates, for them to form a general fund, to be distributed equitably in the beforementioned objects.

Art. 7. The authorities or ecclesiastical ministers, should there be any in the missions referred to in article 1, or those in the nearest missions, or persons who may merit the confidence of government, will be requested by said government to see that the proclamation

above mentioned be published, and to give information immediately whether the said neophytes have presented themselves or not, within the period fixed, in order that, in view of such documents, the necessary measures may be taken.

Art. 8. Government will, in the strictest manner, exact the amount owing by various persons to all the missions in general, as already ordered by the most excellent assembly in its decree of the 24th August. 1844, and dispose of the same for the object mentioned in the last part of the 5th article.

[Translation.]

Exhibit XVIII.—Act of departmental assembly, 28th Oct., 1845.—Of alienation.

Article. 1. There will be sold in this capital, to the highest bidder, the missions of San Rafael, Dolores, Soledad, San Miguel, and La Purisima, which are abandoned by their neophytes.

Art. 2. Of the existing premises of the pueblos of San Luis Obispo, Carmelo, San Juan Bautista, and San Juan Capistrano, and which formerly belonged to the missions, there shall be separated the churches and appurtenances; one part for the curate's house, another for a court-house, and a place for a school, and the remainder of said edifice shall be sold at public auction, where an account of them will be given.

Art. 3. In the same manner will be sold the property on
99 land belonging to the missions—such as grain, produce, or mercantile goods—giving the preference for the same amount to the rentors, and deducting previously that part of said property destined for the food and clothing of the reverend padre minister and the neophytes until the harvest of next year.

Art. 4. The public sale of the Missions of San Luis Obispo, Purisima, and San Juan Capistrano shall take place on the first four days of the month of December next, notice being previously posted up in the towns of the department, inviting bidders, and three publications being made in the capital at intervals of eight days one from the other before the sale. In the same manner will be sold what belongs to San Rafael, Dolores, San Juan Bautista, Carmelo and San Miguel on the 23d and 24th of January, next year.

Art. 5. From the date of the publication of these regulations, proposals will be admitted in this capital to be made to government, which will take them into consideration.

Art. 6. The total proceeds of these sales shall be paid into the departmental treasury, to pay therewith the debts of said Missions; and should anything remain, it will be placed at the disposal of the respective prelate for the maintenance of religious worship, agreeably to article 2 of the decree of the departmental assembly.

Of renting.

Art. 7. The missions of San Fernando, San Buenaventura, Santa Barbara, and Santa Ynez, shall be rented out to the highest bidder for the term of nine years.

Art. 8. To this end bidders shall be convoked in all the departments, by fixing advertisements in the town, in order that by the 5th December next they may appear in this capital, either personally or by their legal agents.

Art. 9. Three publications shall be made in this capital at intervals of eight days each, before the day appointed for the renting, and proposals will be admitted on the terms expressed in article 5.

Art. 10. There shall be included in said renting, all the lands, outdoor property, implements of agriculture, vineyards, orchards,
100 workshops, and whatever, according to the inventories made, belongs to the respective missions, with the mere exception of those small portions of land which have always been occupied by some of the Indians of the missions.

Art. 11. The buildings are likewise included, excepting the churches and their appurtenances, the part destined for the curate's house, the court house, and place for a school. In the mission of Santa Barbara no part of the principal edifice shall be included, which is destined for the habitation of his grace the bishop and suite, and the reverend padres who inhabit it; and there shall be merely placed at the disposal of the rentor, the cellars, movables and workshops, which are not applied to the service of said prelates.

Art. 12. As the proceeds of the rent are to be divided into three parts, to be distributed according to article 5 of said decree, the rentor may himself deliver to the respective padre, prefect, or to the person whom he may appoint, the third part destined for the maintenance of the minister and the religious worship; and only in the mission of Santa Barbara, the half of said rent money shall be paid for the same object, in conformity with the 4th article of the decree of the departmental assembly.

Art. 13. The government reserves to itself the right of taking care that the establishments prosper; in virtue of which it will prevent their destruction, ruin, or decline, should it be necessary during the period of renting.

Art. 14. The renting of the missions of San Diego, San Luis Rey, San Gabriel, San Antonia, Santa Clara, and San Jose shall take place when the difficulties shall be got over which at present exist, with respect to the debts of those establishments, and then the government will inform the public; and all shall be done agreeably to these regulations.

Advantages and obligations of the rentors.

Art. 15. The rentors shall have the benefit of the usufruct of everything delivered to them on rent according to these regulations.

Art. 16. The obligations of the rentors are: 1st. To pay promptly, and quarterly when due, the amount of rent. 2d. To deliver
101 back, with improvements, at the expiration of the nine years, whatever they may receive on rent, with the exception of the stills, movables and implements of agriculture, which must be returned in a serviceable state. 3d. They shall return at the same time the number of cattle which they receive, and of the same description, and of

such an age as not to embarrass the procreation of the following year. 4th. They shall give bonds to the satisfaction of government before they receive the establishments, conditioned for the fulfillment of the obligations of the rentors—one of which is the payment of the damages which the government may be obliged to find against them, agreeably to article 13.

Of the Indians.

Art. 17. The Indians are free from their neophytism, and may establish themselves in their missions or whatever they choose. They are not obliged to serve the rentors, but they may engage themselves to them, on being paid for their labor, and they will be subject to the authorities and to the local police.

Art. 18. The Indians radicated in each mission shall appoint from among themselves, on the first day of January in each year, four overseers, who will watch and take care of the preservation of public order, and be subject to the justice of the peace to be named by government in each mission, agreeably to the decree of 4th July last. If the overseers do not perform their duty well, they shall be replaced by others, to be appointed by the justice of the peace, with previous permission from government, who will remain in office for the remainder of the year in which they were appointed.

Art. 19. The overseers shall appoint, every month, from among the best of the Indians, a sacristan, a cook, a tortilla-maker, a vaquero, and two washerwomen, for the service of the padre minister, and no one shall be hindered from remaining in this service as long as he choose. In the mission of Santa Barbara the overseers will appoint an Indian, to the satisfaction of the priest, to take care daily of the reservoir and water conduits that lead to the principal edifice, and he shall receive a compensation of four dollars per month, out of the rent belonging to the Indians.

102 Art. 20. The Indians who possess portions of land, in which they have their gardens and houses, will apply to this government for the respective title, in order that the ownership thereof may be adjudicated to them, it being understood that they cannot alienate said lands, but they shall be hereditary among their relatives, according to the order established by the laws.

Art. 21. From the said Indian population three boys shall be chosen as pages for the priest, and to assist in the ceremonies of the church.

Art. 22. The musicians and singers who may establish themselves in the missions shall be exempt from the burdens mentioned in article 18, but they shall lend their services in the churches, at the masses, and the funciones which may occur.

Of the justices of the peace.

Art. 23. The justices of the peace shall put in execution the orders communicated to them by the nearest superior authority; they will take care that veneration and respect be paid to matters apper-

taining to our religion and its ministers, and that the 18th and 20th articles, inclusive of these regulations, be punctually fulfilled; they will see that no one be hindered in the free use of his property; they will quiet the little disturbances that may occur, and, if necessary, impose light and moderate correction; and if the occurrence should be of such a nature as to belong to the cognizance of other authorities, they will remit to such authorities the criminals and antecedents.

[Translation.]

Exhibit XIX.—Act of the Departmental Assembly of the 30th of March, 1845, respecting missions.

Article 1. The government is authorized to carry into effect the object of the decree of 28th May last, published by this honorable assembly, respecting missions; to which end, seeing the 103 impracticability of renting, mentioned in article 3 of said decree, the departmental government will act in the manner which may appear most conducive to obviate the total ruin of the missions of San Gabriel, San Luis Rey, San Diego, and the remainder which are in similar circumstances.

Art. 2. As most of these establishments are owning large amounts, if the property on hand should not be sufficient to satisfy their acknowledged debts, attention shall be had to what the laws determine respecting bankruptcies, and steps shall be taken accordingly.

Art. 3. Should government, by virtue of this authority, find that in order to prevent the total ruin which threatens said missions, it will be necessary to sell them to private persons, this shall be done at public auction, the customary notice being previously given.

Art. 4. In case of sale, if after the debts be paid, any surplus should remain, this shall be divided among the Indians of the premises sold, government taking care to make the most just distribution possible.

Art. 5. In any case, care must be taken to secure a sufficient amount for the maintenance of the padres and the expenses of public worship, the government being at liberty to separate a part of the whole establishments, whether in lands for cultivation, landed or other property, at its discretion, which will be sufficient to secure both objects, the respective priest being previously heard and attended to.

Art. 6. The premises apart according to the foregoing article, shall be delivered as a sale at a perpetual interest of four per cent.: and the proceeds shall be applied precisely to the objects mentioned in said article 5.

Art. 7. What has hitherto been done agreeably to what was ordained in the decree of the honorable assembly of 28th May before cited, remains in full force; and these presents shall in no manner alter the contracts made and measures taken by government in accordance with said decree of May, 1845; nor shall they in future

put any obstacle in the way of what may be done in accordance thereto.

Art. 8. The government will remove any obstacles not foreseen in this decree; and in six months, at furthest, will notify this honorable assembly of the result of its fulfillment.

104 [Translation.]

Exhibit XX.—Act of the Departmental Assembly of the 31st of October, 1846, annulling the sale of missions and other acts of Hon. Pio Pico.

The Citizen José Maria Flores, Captain of Cavalry in the Mexican Army, Governor and Commandant General ad interim of this Department to its inhabitants:

Know ye, that the honorable departmental assembly in an extraordinary session of yesterday, has decreed the following:

The most excellent departmental assembly, taking into consideration the urgent necessity of providing resources for carrying on the war against the invading forces of the United States of North America, and finding that the only way of obtaining them in a sure and prompt manner is to solicit a loan, has in this day's session found it expedient to decree the following, viz:

1. The sales of missions made by Don Pio Pico, as governor, as well as all other acts done by him on the same subject, beyond his authority, are entirely annulled.

2. His excellency, the governor ad interim, is authorized to solicit a loan of such amount as he may consider necessary for the object indicated, it being stipulated that, in accomplishing this act in the most equitable and just manner, he may mortgage one or more of the missions for the corresponding security.

3. These establishments shall continue with the character of being rented and in possession of the rentors who shall have fulfilled the conditions stipulated in the proclamation upon that subject.

4. The missions which exist under the circumstances of the preceding article shall suffer no alteration until the term of their lease shall expire, even should they be of those mortgaged; and with respect to the others, the government will take care that the regulations formerly given on the subject be duly complied with.

105 His excellency, the governor ad interim, will be made acquainted herewith, for his government and further ends.

Hall of sessions of the honorable assembly of California in the city of Los Angeles, October 30, 1846.

FRANCISCO FIGUEROA,
President.

AUGUSTIN OLIVERA,
Deputy Sec'y.

JOSE MARIA FLORES.

[Original.]

Exhibit XXI.

MINESTERIO DE INDUSTRIAE INSTRUCCION PUBLICA.

E. S.: Ha llegado a noticia del E. S. Presite, que el Gobierno de ese Departamto, ha dispuesto sacar a publica subasta todos los bienes pertenecientes a las Misiones del mismo, que el antecesor de V. E. habia mandado devolver a los respectivos Misioneros para el manejo y Administracion de sus temporalidades; en consequencia, se ha servido prevenirme que ese Gobierno se sirva informar sobre estos particulares, suspendiendo desde luego todo procedimto. en cuanto a enagenacion de los bienes de que se trata, hasta la resolucion del Supremo Gubierno.

Tengo el honor de darle a V. E. con los fines indicados, protestandole mi consideracion y aprecio.

Dios y Libertad. Mexico, Noviembre 14, de 1845.

MONTESDEOCA.

E. S: Gobernador del Dep'to de Californias, Puerto de Monterey.

[Translation.]

Exhibit XXI.

MINISTRY OF INDUSTRY AND PUBLIC INSTRUCTION.

MOST EXCELLENT SIR: His excellency the president has received information that the government of that department has
106 ordered that property belonging to the missions thereof be put up for sale at public auction, which Y. E.'s predecessor had ordered to be returned to the respective missionaries for the direction and administration of their temporalities; therefore he has deemed proper for me to say that the said government will please to report upon these particulars, suspending immediately all proceedings respecting the alienation of the aforesaid property till the determination of the supreme government.

I have the honor to communicate it to your excellency for the purposes indicated, protesting to you my consideration and esteem.

God and Liberty. Mexico, Nov. 14, 1845.

[Signed,] MONTESDEOCA.

To his Excellency, the Governor of the Department of the Californias, Port of Monterey.

[Original.]

Exhibit XXII.

Pio Pico, Gobernador Constitucional del Departamto de Californias:

A sus habitantes, sabed: que por el Minesterio de Relaciones Exteriores, Gobernacion, y Policia, se me ha dirijido el decreto que sigue:

"MINISTERIO DE RELACIONES
EXTERIORES, GOBERNACION, Y POLICIA.

R. y. P. el dia 19 y. R. a los Jusgados 1° y 2°.

El Exmo. Sr. Presidente interino de la Republica, se ha servido dirigirme el decreto que sigue:

Mariano Parades y Arrillaga, General de Division y Presidente interino de la Republica Mexicana:

A los habitantes de sella, sabed—Que considerando que por el estado en que se encuentra la Patria amagada de una guerra exstrangera, e invadida una grande y preciosa parte de su territorio, es llegado el caso de obrar con la mayor actividad y energia para repeler la mas injusta de las agresiones, recuperar el territorio usurpado, y conservar el lustre y decoro de la Nacion; y teniendo presente
107 que para lograr tan grandiosos objetos, es de absoluta necesidad afianzar el orden y la paz interior; usando de las facultades que me concede la cuarta de las adiciones hechas en esta Capital en 2 de Enero del presente Ano al plan proclamado en S. Luis Potosi, he tenino a bien decretar lo siguente:

1o. El Gobierno nombrara los Gobernadores de los Departamentos sin sujetarse a propuesta de las Assambleas, por hallarse la Nacion en las circunstancias extraordinarias de que habla el final de la facultad 17a. del Art. 134 de las Bases organicas.

2o. En los Departamentos en donde por oposicion al actual orden de cosas se hallen disueltas las Asambleas, los Gobenadores respectivos nombraran con aprobacion del Supremo Gobierno las personas que estimen a proposito para formarlas, por no ser justo ni conveniente que los Departamentos carezcan de los importantes servicios que deben prestarles esas corporaciones.

3o. Con igual objeto se faculta a los Gobernadores para organizar los Ayuntamientos en los untos donde estuvieren disueltos.

4o. Se recuerda a los Gobernadores de los Departamentos, para su puntual observancia, la circular de 24 de Diciembre del ano proximo pasado, en que se les transmitio la ampliacion de facultades concedidas al Ejecutivo por el decreto del Congreso, fecha 21 del mismo, conforme al Art, 198 de las Bases Organicas.

5o. Se faculta a los Gobernadores de los Departamentos, para que en casos extraordinarios obren espeditamente, y con la debida justificacion, para salvar los grandes intereses de la independencia e integridad del territorio nacional, y para asegurar la tranquilidad y el orden publico, sin los cuales no pueden sostenerse aquellos inestimables bienes.

Por tanto, mando se imprima, publique, circule y se le de el debido cumplimiento.

Palacio Nacional de Mexico, 13 de Marzo, de 1846.

MARIANO PARDES Y ARRILLAGA.

A D. Joaquin Maria Castillo y Lanzas.'

108 Y lo Comunico a V. para su inteligenci y fines consiguientes. Dios y Libertad. Mexico, 13 de Marzo de 1846.

CASTILLO LANZAS.

E. S'r Gobernador del Dep'to de Californias."

Y para que llegue a noticia de todos, mando se publique por bando, en todos los Pueblos del Departamento, se circule a quienes corresponda, y se fije en los parages publicos acostumbrados.

Dado en el Puerto de St'a. Barbara, a 4 de Julio de 1846.

PIO PICO.

JOSE MATIAS MORENO, S'rio.

[Translation.]

Exhibit XXII.

Pio Pico, constitutional Governor of the department of the Californias, to the inhabitants thereof.

Know ye, that the following decree has been directed to me by the minister of foreign relations, government and police:

MINISTRY OF FOREIGN RELATIONS, GOVERNMENT AND POLICE.

Received and published on the 19th of the month and transmitted to the 1st and 2d judicatures.

His Excellency, the President, ad interim, of the Republic, has peen pleased to direct me the following decree:

Marino Paredes y Arillaga, general of division and President ad interim of the Mexican Republic, to the inhabitants thereof:

Know ye, that on account of the state of the country, threatened with a foreign war, and a large and important part of its territory invaded, considering that the time has arrived to act with of the greatest activity and energy, to repel the most unjust aggressions, to recover the usurped territory, and to preserve the glory and honor of the nation; and convinced that, for the accomplishment of objects so grand, it is necessary to secure order and peace within; in the exercise of the powers vested in me by the 4th of the additions made in this capital on the 2d of January of the present year, to the plan proclaimed in San Luis Potosi, I have thought proper to decree the following:

109

1st. The government shall appoint the governors of the departments, irrespective of those proposed by the assemblies, in conse-

quence of the nation being placed in the extraordinary circumstances to which the last clause of the 17th power of the 134th article of the organic law refers.

2d. In those departments where, in consequence of opposition to the present state of things, the assemblies are dissolved, the respective governors, with the approval of the supreme government, shall appoint such persons as they may deem competent to compose them, it not being just or convenient that the departments suffer the want of important services which those bodies should render them.

3d. For a similar purpose the governors are authorized to organize the ayuntamientos wherever they may have been dissolved.

4th. The attention of the governors of the departments is called to the circular of the 24th of December of last year past for the punctual observance thereof, wherein is conferred upon them the extension of the powers granted to the executive by the decree of Congress, dated the 21st of the same month, in conformity with the 198th article of the organic law.

5th. The governors of the departments are authorized to act expeditiously in extraordinary cases, and with due justification to preserve the great interests of the independence and the integrity of the national domain, and to secure tranquility and public order, without which these inestimable blessings cannot be sustained.

Thefore, I command that it be printed, published, circulated, and that the due obedience thereunto be rendered.

National Palace, March 13th, 1846.

(Signed) MARIANO PAREDES Y ARRILLAGA.

To Don Joaquin Maria Castillo y Lanzas.'

And I communicate the same to you, for your information and consequent purposes. God and Liberty.

(Signed) CASTILLO LANZAS.

To his Excellency the Governor of the Californias.

110 And, in order that it may come to the notice of all, I order it to be published by proclamation in all the pueblos of the department, that it be circulated to those to whom it belongs, and that it be posted up in the usual public places.

Given at the port of Santa Barbara, July 4, 1846.

(Signed) PIO PICO.

(Signed) JOSE MATIAS MORENA,
Secretary.

[Original.]

Exhibit XXIII.

SESION DEL DIA,
30 *de Marzo, de* 1846.

Aprobada la acta del dia 23 de Marzo, se le dio lectura al dictamen de la comision de Misiones haciendo algunas observaciones, en su parte expositivas, relativas al proyecto de decreto presentado por el Senor Bandini en la sesion anterior que trata de Misiones concluyendo la comision con la peticion siguiente: Pide que se ponga a discusion el proyecto del Senor Bandini en los mismos terminos que esta concebido, protestando el presidente de dicha comision, que no puede dar su voto en favor no ser conforme con su modo de pensar, y pedio por el Senor Figueroa se le dispense la segunda lectura, admitido; y entendido el voto particular del Senor Arguello que dice; no conveniendome con el segundo parrafo de la parte expositiva sujeto mi voto particular a la discusion, a la que se puso la proposicion mencionada del Senor Bandini la cual concluye con los articulos siguientes.

1o. Se autoriza al Gobierno para que haga efectivo el objeto del decreto de 28 de Mayo del ano po. po. expedido por esta Honorable Asamblea relativo a Misiones: y a cuo fin en lo impracticable del arriendo provenido en el arto. 3o. de dicho decreto, el Gobierno del Departamento obrara del modo que crea ser mas conveniente para evitar la ruina total de las Misiones de San Gabriel, San Luis Rey, San Diego y las demas que se hallan en iguales circumstancias. Sin dicusion fue aprobado.

2o. Como los demas de dichos establecimientos tienen grandes creditos en su contra, si sus existencias no fuesen suficientes a cubrir sus deudas calificadas, se tendra presente lo que disponen las leyes con respecto a quiebras y se procedera conforme a ellas. Sin discusion fue aprobado.

3°. Si de la autorizacion del Gobierno resultare que este, para evitar la total destruccion a que caminan las dichas misiones, determinase la venta de ellas a particulares, te verificara a remate publico precediendo los avisos acostumbrados. Sin discusion fue aprobado.

4°. En el caso de venta, despues de satisfechas las deudas, si hubiese sobrante, se repartira a los indios de la comunidad de la finca vendida valiendose el Gobierno del modo que sea mas compatible a la justa distribucion. Sin discusion quedo aprobado.

5°. En todo caso siempre se tendra presente asegurar lo necessario a la subsistencia de los Padres Ministros, y gastos para la conservacion del culto divino, pudiendo el Gobierno determinar una parte del total fincas, ya consista en tierras de labor, bienes raices u otras que a juicio del Gobierno, oyendo y atendiendo a los religiosos respectivos, aseguren ambos objectos. Sin discusion fue aprobodo.

6°. Las fincas que se determinen conforme al precedente Art°. seran entregadas, como en venta a censo perpetuo, al cuatro por cienta. Este producto previamente sera aplicable a lo que previene el mismo articulo 5°. Sin discusion fue aprobada.

7°. Queda en todo su valor y fuerza lo practicado hasta ahora, segun lo dispuso el decreto de la Honorable Asamblea de 28 de Mayo citado, y el presente en nada alterara los contratos y disposiciones tomados por el Gobierno con arreglo al propio decreto de Mayo de 1845, ni para lo sucesivo impedira lo que se pueda practicar conforme a el. Sin discusion fue aprobado.

8°. El Gobierno salvara los inconvientes que no se hayan podido prever por el presente decreto; y a lo mas dentro de seis meses mientras dure su ejecucion, dara cuenta a esta Honorable Asamblea de los resultados en su cumplimiento. Sin discusion fue aprobado.

Y no habiendo otra cosa de que ocuparse por hoy, se levanto la sesion, a que no asistieron los Senores Abrego, por hallarse infermo; Botello, por tener licencia; y Noriega ausente en comision del Gobierno Departamental. Entre renglones "dure" vale.

PIO PICO, *Presdte.*

AGUSTIN OLIVERA, *S'rio.*

112 [Translation.]

Exhibit XXIII.

SESSION OF 30th OF MARCH, 1846.

The record of 23d of March having been approved, the report of the committee on missions was read. They made several remarks in connection therewith, touching the plan of a decree presented by Senor Bandini in the preceding session in regard to the missions, and concluded with the motion that the plan presented by said Bandini, be fully discussed on the basis in which it was presented. The chairman of said committee, protesting that he cannot vote for it as it does not meet his views. It was then moved by Senor Figueroa, that the second reading of the aforementioned report of said commmitiee on missions be dispensed with, which was approved. Senor Arguello then said that, not agreeing with the matters expressed in the second paragraph of the report, he gave notice that his vote would be withheld until after discussion of the whole subject, and thereupon moved that the proposition mentionod by Senor Bandini, which concluded with the following articles, be so discussed:

1st. The executive of this department is hereby authorized to carry into effect the objects of the decree of 28th of May of last year, passed by this honorable assembly, relating to missions, —that, where it is impracticable to rent them, as provided in article 3 of said last mentioned decree, said executive shall proceed in what it believed to be the most efficient manner to obviate the total ruin of the missions of San Gabriel, San Luis Rey, and San Diego, as well as all others that were in the same situation. Approved without discussion.

2d. As the other remaining establishments are largely indebted, if the present amount of property belonging to the same should be insufficient to liquidate all the qualified debts thereof, then proceedings shall be had in conformity with law concerning insolvents. Approved without discussion.

113 3d. If by the authority hereby conferred, the governor, in order to prevent the total destruction to which said missions are tending, should determine to sell them to private individuals, it shall be done at public auction, giving the usual notice thereof. Without discussionapproved.

4th. In case of sale, after the debts have been satisfied, should there be any surplus remaining therefrom, it shall be divided among the Indians of the establishments so sold—the executive having the right to prescribe the manner in which the distribution shall be made, most compatible with justice. Approved without discussion.

5th. In all cases, it shall be necessary to secure the subsistence of the reverend fathers, and the expenses of divine worship, for which the executive shall be empowered to set apart a portion from the property for that purpose, either in arable lands, other real estate, or property of any other kind, which in his opinion, after hearing and consulting with the respective priests may best secure both objects. Approved without discussion.

6th. The establishments that may be disposed of agreeably to the preceding article shall be delivered as sold, subject to a perpetual contribution of four per cent. This income shall be preferably applicable to the uses referred to in the same article 5th. Approved without discussion.

7th. Whatever has been done up to this time remains in full force and vigor, as provided by the decree of the honorable assembly of the 28th of May aforesaid, and the present decree shall in no manner alter any contracts or arrangements made by the executive in conformity with said decree of 28 May, 1845, nor shall it hereafter prevent in any manner anything that may be done in conformity thereto. Without discussion approved.

8th. The executive will reserve the right to obviate all inconveniences that may arise within the present decree which cannot now be foreseen, and within six months after sales he shall report to this honorable assembly the results touching this decree. Without discussion approved.

There being no other matter to occupy the Hon. Assembly
114 this day, it thereupon adjourned. There being absent Senor Abrego, for sickness, Senor Botello, excused, and Senor Noriega absent on business of the government.

PIO PICO, *President.*
AGUSTIN OLVERA,
Secretary.

[Original]

Exhibit XXIV.

SESION DEL DIA 8 de ABRIL, 1846.

Aprobada la acta del dia —— se dio cuenta con una comunicacion oficial del Senor Vocal, Don Jose Abrego, como contestacion a la que con fecha, 6 de Mzo, se le paso por la corporacion, a cuya contestacion accompana un certificado de dos facultativos, por el que acredita

hallarse enfermo de una relajacion, y le impide montar a caballo, y y de consiguiente separarse del punto donde reside por tener que ponerse en cura. La Exma. Asamblea q considero por justa la imposibilidad del Senor Abrego para el desempeno de las obligaciones que la ley le impone como disputado, acordo en consecuencia que por tales razones quedoba exonerado de la concurrencia a las sesiones, y con tal motivo entrase a cubrir la falta el primer suplente.

En seguida se dio cuenta——

[Translation.]

Exhibit XXIV.

SESSION OF 8th APRIL, 1846.

Approved the record of —— day of ——. Noted the official communication of Senor Abrego, a member of this hon. body, in answer to one sent from the same, under date of March 6th, which is accompanied with the certificates of two competent persons, wherein he states that he is unwell, so much so as to be unable to mount a horse, and in consequence of such sickness was obliged to be removed from his residence to another locality, for the purpose of being cured.

115 The excellent assembly justly considered the impossibility of Senor Abrego to fulfil the obligations imposed on him by law as a deputy, and agree that in consequence of, and for reason of the same he should be excused from attending the sessions thereof, and that his place be filled in the meantime by the first alternate, which was referred for after action.

Afterwards was taken up for consideration——

[Original.]

Exhibit XXV.

SESION DEL DIA 15 DE ABRIL DE 1846.

Leida y aprabada la acta del dia 30 de Marzo po. po., se dio cuenta con el nombramiento que, para gobernador constitucional de este departamento, hizo el Exmo. Sor. Presidente de la Republica, en la persona del Exmo. Sor. Don Pio Pico a virtud de la propuesta que elevo la corporacion en 27 de Junio anterior. Quedo impuesto el honorable cuerpo de la suprema determinacion, y a consecuencia de haber manifestado el exmo. sr. que preside hallarse apto para prestar el juramento de la ley, y que por tanto se le senalase el dia que le habia de hacer, hubo lugar a una detenida discusion con motivo de que no habia numero suficiente de individuos en la asamblea ante quien debe verificarse tal acto, y resulto por conclusion, considerando ser urgente el asunto, que se admitiese la siguiente proposicion que hizo el Sor. Bandini:

"Mientras se cumple el termino de las licensias que se les ha concedido por este honorable cuerpo a dos de sus vocales, le llamara al suplente que este mas inmediato a este capital, siempre para que haya numero competente."

Puesto a discusion y estandolo suficientemente, se aprobo a unanimidad.

Se dio cuenta igualmente con lo siguiente, una comunicacion oficial del ministerio de relaciones, fecha 14 de Noviembre ultimo, dirigida al gobierno departamental en la que por disposicion superior, se le pide informe sobre lo que haya determinado con respecto a misiones,

116 que se sabe han sido puestos a publica subasta los bienes de ellas que se habian entregado a los padres para el manejo de temporalidades, y que entre tanto se de dicdo informe, se suspenda todo procedimiento en cuanto a enagenacion de los bienes referidos.

Se acordo por la corporacion que siendo esta nota directa al gobierno del departamento, se le devolviese para que manifestara su sentir y entonces pudiera atenderse el asunto.

Con el soberano decreto de sies de Agosto que senala la asignacion de rentas a los departamentos. Enterado.

Con una circular de ministro de relaciones, fecha 21 de Octubre pasado, relativa a que se organize la fuerza de policia que debe haber en cada poblacion, y esta determinada por las bases organicas, teniendo la asamblea facultad por el articulo 134, en su parte 19a, de decretar la que debe haber en el departamento y reglamentar su servicio conforme a la parte citada. Se mando pasar a la comision de policia.

Con un oficio de la comandancia general de este departamento, fechado en Monterey, a 17 de Marzo, en el que se adjunta una proclama a que se dio igualmente lectura, dirigida a los habitantes a consequencia de los acontecimientos habidos por los puntos del norte con el capitan de los Estados Unidos, Don J. C. Fremont, conteniendo dicho oficio un parrafo por el cual se advierte que la comandancia general previene que no habiendo pasado el exmo. sor. gobernador a hacer la visita a aquellos lugares como ha solicitado para que a ella se hubiera unido a fin de operar, va a proceder conforme a las ordenes supremas que tiene a la vista, para impedir las miras de los aventureros que se introducen por aquella frontera. Enterada la corporacion, uso de la palabra el Sor. Bandini, y pronuncio un discurso por el cual repugnaba los procedimientos del sor. comandante general, poniendo en claro el uso abusivo que hace de su autoridad esta persona, sin miramiento alguno ni atencion al respecto obligatorio que le imponen las leyes, y concluyo proponiendo que el gobierno le conteste, con decoro al mismo tiempo que con la arrogancia y energia que demanda un hecho tan escandaloso como el que se ha consumado. Y no habiendo otro asunto mas que tratar, se levanto la sesion.

PIO PICO, *Presidente.*

AGUSTIN OLVERA, *Secretario.*

[Translation.]

117 *Exhibit XXV.*

SESSION OF 15TH OF APRIL, 1846.

Read and approved the record of March 30th, last past. The subject of the appointment of constitutional governor of this department by his excellency the president of the republic, conferred on his excellency Don Pio Pico, approving the action of this body which elevated him to that station on the 27th of June last, was taken up for consideration. The supreme determination now being known to this honorable body, and his excellency presiding having given notice that he is ready to take the oath of office, and having appointed the day for so doing, a long discussion took place in consequence of the not being a sufficient number of members in the assembly before whom such an action has to be verified, and, considering the urgency of the case, the following proposition was submitted by Senor Bandini:

"That until the termination of the leave of absence granted by this honorable body to two of its members, the nearest alternates to this capital shall be summoned to make the number complete;" which, being fully discussed and sufficiently understood, was unanimously approved.

The official communication of the minister of relations, under date of November 14th, last past, directed to the executive of this department, was acted upon, in which the minister asks for information concerning what had been determined or done in respect to the missions; that information had been received that the property belonging to them, which had been delivered to the priests for the management of their temporalities, had been put up at public auction and sold, and that until such information as asked for could be given, to suspend all proceedings relating to the alienation of the aforesaid property. Whereupon it was considered that its being a note addressed directly to the executive of this department, that before any action be had upon it by this body it be referred back to him for an expression of his opinion thereon.

The sovereign decree of the 6th of August, determining the
118 distribution of the public revenue among the departments was also taken up. Duly considered and filed.

A circular from the minister of relations was next considered, under date of October 21st, last past, relative to the organization of a police force in every village of the departments, as required by the organic bases; the assembly deriving authority from clause 19, art. 134, to determine by law how large a force is necessary for the department, and to regulate its duties agreeably to said clause. Referred to committee on police.

The reading an official dispatch from the commandancy general of this department, dated at Monterey, March 17th, to which was subjoined a proclamation, also read, addressed to the inhabitants, setting forth what had taken place at the north with Capt. J. C. Fremont,

of the United States. Said dispatch also contained a paragraph stating that as his excellency the governor had not visited the principal points at the north, as solicited by the commandant general, for the purpose of co-operating together, that he will proceed, in conformity with general orders at hand, and frustrate the views of those adventurers that enter the country by that frontier; which, having been heard by this body, Senor Bandini delivered a speech condemning the proceeding of the commandant general, showing clearly the abusive manner in which he had made use of his authority, being without any regard or attention to the obligations the laws impose upon him, and recommended the executive should answer him respectfully, but with the dignity and energy which so scandalous an act as he had committed demanded. And there being nothing else before the session it therefore adjourned.

PIO PICO, *President.*
AGUSTIN OLVERA, *Secretary.*

[Original.]

Exhibit XXVI.

Mision de S'n Juan Capistrano.

El dia cuatro de Diciembre de 1845, el gobierno puso en venta publica y al mejor postor, la parte del edificio principal de la
119 mision de San Juan Capistrano que resulta sobrante despues de la separacion de Yglesia, casa cural, consistorial, de escuela y carcel, asi como de tres huertas de arboles frutales, y vina, y de los muebles de la pertenencia de dicha mision, con exception de lo perteneciente al templo, y resulcaron compradores los Senores Dn. Juan Forster y Don Santiago Mackinley, mediente la cantidad de setecientos diez pesos que paragan el 10 de Agosto de 1846, al gobierno departamental y a los acreedores a la expresada mision que este les senale.

En 6 de Diciembre se les libro el titulo de propiedad.

Pio Pico, Vocal Decano de la Asamblea Departamental y Gobernador Provisional de las Californias :

Gobierno del Dep'to
[EAGLE]
De Californias

En virtud de haberse celebrado, el dia cuatro del corriente mes en esta Capital, en publica subasta y al mejor postor, la venta de la parte de edificio principal de la Mision de San Juan Capistrano que resulta sobrante despues de la separacion de Yglesia, casa cural, consistorial, de escuela, y carcel, asi como de las tres huertas de arboles frutales, y vina, y de los muebles de la pertenencia de dicha mision con excepcion de lo perteneciente al templo, resultaron compradores de todo lo mencionado los Senores Dn. Juan Forster y Dn. Santiago Mackinley, por haber sido los ultimos y mejores postores en la oferta que hicieron de setecientos diez pesos.

En consecuencia y en uso de las facultades que me confirio la Exma. Asamblea Departamental en su acuerdo relativo de 4 de Julio del presente ano, y de conformidad con el reglamento de 28 de Octubre ultimo pasado, declaro por las presentes letras que los mencionados Dn. Juan Forster y Dn. Santiago Mackinley son duenos legalment de la parte del edificio, de las tres huertas y muebles de la Mision de San Juan Capistrano que les fueron vendidos, mediante la cantidad de setecientos diez pesos, que pagaran en moneda corriente o en cueros y sebos a precio de plata, el diez de Agosto del ano mil ocho cientos cuarenta y seis, al Gobierno Departamental o a los acreedores a la expresada mision que le sean designados por este, pudiendo desde ahora, y en virtud de este despacho, tomar la posesion judicial de la finca, huertas, y muebles mencionados, que les dara el Juez respectivo.

Por tanto mando que teniendose el presente por titulo firme y valedero, se toma razon de el en el libro de asientos sobre adjudicacion de terrenos, y se entregue a los interesados para su resguardo y demas fines.

Dado en la ciudad de Los Angeles, en este papel comun por falta del sellado a seis de Diciembre de mil ochocientos cuarenta y cinco.

PIO PICO.
JOSE MA. COVARRUBIAS, *S'rio.*

Queda tomada razon de este titulo en el libro respectivo.
COVARRUBIAS.

[Translation.]

Exhibit XXVI.

Mission of San Juan Capistrano.

On the fourth day of December, 1845, the government put up at public sale and to the highest bidder, that part of the principal building of the mission of San Juan Capistrano which remains after the separation of the church, the rectory, town-house, school-house, and prison; as also three orchards of fruit trees and vines, and the movable goods belonging to said mission, excepting what belongs to the temple; and the purchasers proved to be Messrs. Juan Forster and Santiago Mackinley, by means of the consideration of seven hundred and ten dollars, which they are to pay on the 10th of August, 1846, to the departmental government or to the creditors of said mission, which the latter may designate to them.

On the 6th of December of the same year, there was issued to them a title of ownership.

Pio Pico, senior member of the Departmental Assembly and Provisional Governor of the Californias:

By virtue of having, on the fourth day of this month, in this capital, at public auction and to the highest bidder, effected a sale of the part of the principal building of the mission of San Juan Capistrano which

remains after the separation of the church, rectory, town-house, school-house and prison, as also three orchards of fruit-trees and vines, and the moveable goods belonging to said mission except what belongs to the temple: the purchasers of all the foregoing proved to be Juan Forster and Santiago Mackinley, as having been the last and highest bidders in the offer they made of seven hundred and ten dollars.

In consequence whereof, and in exercise of the power vested in me by the excellent departmental assembly in its resolution relative hereto on the fourth of July, this year, and in conformity with the regulations of 28th of October, last past, I declare by the present letters patent, that the said Juan Forster and Santiago Mackinley, are lawful owners of the part of the building, of the three orchards and the moveable property of the mission of San Juan Capistrano, which was sold to them by means of the consideration of seven hundred and ten dollars, which they are to pay in current money or in hides and tallow at cash prices, on the 10th of August, in the year 1846, to the departmental government, or to the creditors of said mission who may be designated by said government; being enabled from this day and by virtue of this document, to take the judicial possession of the building, orchards, and moveable property aforesaid, which the respective magistrate will give them.

Wherefore I order that these presents, being held as a firm and valid title-deed, it be entered in the book of registry of adjudication of lands, and delivered to the interested parties for their security and other purposes.

Given in the city of Los Angeles, on this common paper for want of stamped, on the 6th of December, in the year 1845.

PIO PICO.
JOSE MA. COVARRUBIAS, *Sec'y.*

Note of this superior title is taken in the respective book.
COVARRUBIAS.

[Original.]

122 *Exhibit XXVII.—La Purisima.*

Pio Pico Vocal Decano de la Asamblea Departamental y Gobernador Provisional de las Californias.

En virtud de haberse celebrado, el dia cuatro del corrienta mes, en esta Capital en publica subasta y al mejor postor, la venta del edificio principal de la Mision de la Purisima, de las dos vinas de Jalama, tierras y muebles de la pertenencia de esta mision con excepcion de lo perteneciente al templo o iglesia, resulto comprador de todo lo mencionado, el Sor. Don Juan Temple por haber sido el ultimo y mejor postor en la oferta que hizo de mil ciento diez pesos.

En consecuencia y en uso de las facultades que me confirio la Exma. Asamblea Departamental en su acuerdo relativo de 4 de Julio del presente ano, y de conformidad con el reglamento de 28 de Octubre

ultimo pasado, declaro por las presentes letras que le mencionado Dn. Juan Temple es dueno legalmente del edificio de la Mision de la Purisima, de las dos vinas, tierras y muebles que le fueron vendidos, mediante la cantidad de mil ciento diez pesos en moneda corriente o en cueros y sebos, a precio de plata, que pagara el 10 de Agosto del ano de 1846, al gobierno departamental, o a los acreedores de la expresada mision que le sean designados por este, pudiendo desde ahora, y en virtud de este despacho, tomar la posesion judicial de la finca, vinas, tierras y meubles mencionados que le dara el juez respectivo.

Por tanto mando, que teniendose el presente por titulo firme y valedero se tome razon de en el libro de asientos sobre adjudicacion de terrenos, y se entregue al interesado para su resguardo y demas fines. Dado en la ciudad de los Angeles, en este papel comun por falta absoluta del sellado, a seis de Diciembre de mil ochocientos cuarenta y cinco.

PIO PICO.
JOSE Ma. COVARRUBIAS, *S'rio.*

Queda tomada razon de este titulo en el libro respectivo. Angeles fecha ut supra.

COVARRUBIAS.

123

Gobierno del Dep.
[EAGLE.]
De Californias.

Sirvase Vd. mandar pagar al Senor A. B. Thompson, o a su orden. la cantidad de pesos tres cientos setenta y seis con seis reales, (376 ps. 6 rs.) del valor occasionado por la venta de la Mision de la Purisima cuya cantidad deducira Vd. de la mayor que tiene que entregar, recabando del interesado el respectivo recibo para su resguardo.

Angeles, a 16 de Mayo de 1846.

PIO PICO.

Sor Don Juan Temple, del comercio en esta Capital.

Recibi la arriba expresada cantidad, Angeles, Mayo 18 de 1846.
A. B. THOMPSON.

Gobierno del Depto.
[EAGLE.]
De Californias.

Recibi del Senor Don Juan Temple la cantidad de doscientos pesos metalicos (200 ps.) por cuenta de mayor cantidad que debe entregar a este Gobierno por la compra que hizo de la Mision de la Purisima, y para su resguardo le doy este en la ciudad de Los Angeles a 1°. de Junio de 1846.

PIO PICO.

DON JOSE NORIEGA :

Sirvase V. pagar a Don Pio Pico, Gobernador de este Departamento, la cantidad de quinientos treinta-tres pesos, does reales, (533 ps. 2rs.) en metalico, cobrando un recibo en que se expresa que con esta cantidad ya esta satisfecha la cantidad de mil ciento y diez pesos, (1,110 ps.) en que fue rematada la Purisima con sus tierras, &c.

Angeles, Junio 15 de 1846.

JUAN TEMPLE.

124

Gobierno del Depo. } [EAGLE.] De Californias. }

Recibi Santa Barbara, Junio 22 de 1846.

PICO.

[Translation.]

Exhibit XXVII.—La Purisima.

Pio Pico, senior member of the departamental assembly, and Provisional Governor of the Californias :

By virtue of there having been effected on the fourth of the current month, in this capital, at public auction and to the highest bidder, the sale of the principal edifice of the mission of La Purisima, of the two vineyards of Jalama, lands and movables or chattels belonging to this mission, with the exception of what belongs to the temple or church, Mr. John Temple became the purchaser of all the above mentioned, being the last and highest bidder in the offer which he made of one thousand one hundred and ten dollars.

In consequence, and in exercise of the powers which the most excellent departmental assembly conferred upon me in their decree of the 4th of July of the present year, and in conformity with the regulations of the 28th of October, last past, I declare by the present letters that the above-mentioned Mr. John Temple is lawfully owner of the edifice of the mission of La Purisima, of the two vineyards, lands and chattels, that were sold to him in the sum of one thousand one hundred and ten dollars in current money, or in hides and tallow at their cash price, which he will pay the 10th of August of the year 1846, to the departmental government, or to the creditors of the above-mentioned mission, who will be designated to him by this government; being able from this moment by virtue of this title, to take judicial possession of the edifice, vineyards, land and chattels mentioned, which will be given by the proper judge.

125 Therefore I command that, taking the present for a firm and valid title, an entry be taken of it in the book of registry of adjudication upon lands, and be delivered to the person interested, for his security and other ends.

Given in this city of Los Angeles, on this common paper for absolute want of sealed paper, on this sixth day of December, A. D. 1845.

PIO PICO.
JOSE MA. COVARRUBIAS,
Secretary.

Note has been taken of this title in the respective book. Angeles, date as above.

COVARRUBIAS.

A translated copy of a draft of Pio Pico against Mr. John Temple.

Governor of Dep. [EAGLE.] of the Californias.

Please pay to Mr. A. B. Thompson, or his order, the sum of three hundred and seventy-six dollars and seventy-five cents, ($376 75,) out of the value arising from the sale of the mission of La Purisima; which sum you will deduct from the greater which you have to deliver, receiving from the party interested a proper receipt for your security.

Angeles, 16 May, A. D. 1846.

Mr. John Temple, of the commerce of this capital.

Received the above-mentioned sum.
Angeles, May 18, A. D. 1846.

A. B. THOMPSON.

A translated copy of a receipt of Gov. Pio Pico to Mr. John Temple.

Governor of Dep. [EAGLE.] of the Californias.

Received of Mr. John Temple the sum of two hundred dollars,
126 ($200), coined money, on account of a larger sum which he is obligated to deliver to this government for the purchase which he made of the Mission of La Purisima; and for his security I give him this, in the city of Los Angeles, on the 1st June, A. D. 1846.

PIO PICO.

A translated copy of John Temple's draft against Don Jose Noriega in favor of Pio Pico.

DON JOSE NORIEGA :

Please pay to Don Pio Pico, governor of this department, the sum of five hundred and thirty-three dollars, twenty-five cents, in coined money, taking a receipt wherein it states that with this amount the

sum of one thousand one hundred and ten dollars, ($1,110,) for which La Purisima, its lands, etc., were sold, is paid.

Angeles, June 15, A. D. 1846.

JOHN TEMPLE.

Governor of Dep. [EAGLE.] of the Californias.

Received, Santa Barbara, June 22, 1846.

PICO.

[Original.]

Exhibit XXVIII.—San Luis Obispo.

Pio Pico, Vocal Decano de la Exma. Asamblea Departamental y Gobernador Provisional de las Californias:

Gobierno del Depto. [EAGLE.] De Californias.

En virtud de haberse celebrado, el dia cuatro del corriente mes en esta capital, en publica subasta, y al mejor postor, la
127 venta de la parte del edificio principal de la Mision de San Luis Obispo q. resulta sobrante despues de la separacion de casa cural, consistorial, de escuela y carcel, resultaron compradores, de la expresade parte de edificio los Senores Scott y Wilson, y Don Santiago Mackinley, por haber sido los ultimos y mejores postores en la oferta q. hicieron de quinientos diez pesos y haber satisfecho esta cantidad en moneda corriente al Gobierno Departamental.

En consecuencia y en uso de las facultades q. me confirio la Exma. Asamblea Departamental en su acuerdo relativo del 4 de Julio del presente ano, y de conformidad con el reglamento de 28 de Octubre ultimo pasado, declaro por las presentes letras q. los mencionados Senores Scott y Wilson y Don Santiago Mackinley son duenos legalmente y de mancomun de todas las piezas q. correspondan a la parte del edificio de la Mision de San Luis Obispo que les fue vendida, cuyo numero y dimenciones constaran en la posesion judicial que por orden especial de esta fecha debera darles el Alcalde primero de San Luis Obispo, y a mas, de todos los corrales cercados de picdra que fueron del servicio de la referida Mision y no pertenezcan a ningun particular.

Por tanto, mando, que teniendose el presente por titulo firme y valedero, se tome razon de el en el libro de asientos de adjudicaciones de terrenos baldios, y se entregue a los interesados para su resguardo y demas fines.

Dado en la ciudad de Los Angeles, a seis de Diciembre de mil ochocientos cuarenta y cinco, en papel comun por no haber del sellado.

PIO PICO.

JOSE MA. COVARRUBIAS, *S'rio.*

Queda razon de este titulo en el libro respectivo. Angeles, fecha ut supra.

COVARRUBIAS.

Sor. Juez de Paz:

San Luis Obispo, Junio 22, de 1846.

De conformidad con lo pedido p'a el Lunes 23 del corriente se le dara al interesado la posesion juridica q. solicita.

Yo el Juez de Paz de esta demarcacion asi lo decrete y firme. PICO.

Juan Wilson, vecino del partido Sta. Barbara para si y a nombre de los Seneros Don Diego Scott
128 y Don Santiago Mackinley, comparece y diciendo: q. en virtud de haber comprado al Gobierno Departamental, la parte del edificio pral. de esta punto, como lo manifesta el titulo q. acompano, solicito tenga V. a bien darme la posesion juridica con arreglo alespresado titulo.

Por tanto A. V. Suplico acceda a mi favor en lo que recibire gracia que juro, &c., dispensando el papel comum, por falta de sallado.

San Luis Obispo, Junio 22 de 1846.

JUAN WILSON.

En el pueblo de San Luis Obispo, a los veinte y dos dias de mes Junio del ano de mil y ochocientos cuarenta y seis, siendo presente Don Juan Wilson, se le hizo saber el auto ante nos, y dijo le oye, y es conforme y lo asente por diligencia; de q. doy fe con dos testigos de asistencia pr. falta de Escribano.

J. DE JESUS PICO.

Asa.:
JOSE GARCIA.
VICTOR LINARES.

En el pueblo de San Luis Obispo, a los veinte y tres dias del mes de Junio del ano de mil y ochocientos cuarenta y seis. Yo el Juez de Paz acompanado de los de asistencia hice medir un cordel con objeto de proceder a las medidas de las fincas del edificio principal de este pueblo, y al efecto se medio un cordel de diez varas Castellanas y en sus extremos se atacaron dos estacas. Y pa. constancia lo puse por diligencia que firme con los de asistencia.

J. DE JESUS PICO.

Asa.:
JOSE GARCIA.
VICTOR LINARES.

En seguida, en el mismo dia, mes y ano, yo el Juez de Paz de San Luis Obispo, acompanado de los de asistencia, dispuse nombrar dos medidores Cordeleros de los concurrentes, y fueron nombrados Don Mercurial Garcia y Don Ygnacio Castillo, los cuales, acep-
129 tando el encargo, juraron por Dios, Ntro. Senor y la Santa Cruz, desempenarlo fielmente segun so saber y entender, y lo asente qr. diligencia q. firme con los de asistencia.

J. DE JESUS PICO.

Asa.:
JOSE GARCIA.
VICTOR LINARES.

A continuacion, en el mismo dia mes y ano, yo el Juez de Paz de San Luis Obispo acompanado de los de asistencia y concurrentes ya citados, pasamos a la casa de habitacion del Ministro Parroco de este pueblo con objeto de empezar las medidas del edificio principal, y despues de haberle separado a dho. Parroco, pa. su habitacion y demas usos que le convengan, seis cuartos y dos salas utiles pa. su habitacion cuyos estan reunidos a un solo lugar sin embargo de la division de piezas, tomaron los medidores el cordel pr. sus extremos y estacas; desde la puerta principal pr. donde se transita pa. entrar a la plaza se comenzo la medida hasta llegar a la esquina qe. esta por el rumbo S. O. en donde se contaron cincuenta y seis varas Castellanas habiendo en todas estas pr. la misma nave diez piezas utiles de habitacion, de las cuales quedan separadas dos qe. se hallan en la esquina dondo termina esta primera medida, pa. casa consistorial y carcel; de alli se continuo la medida pr. toda la orilla de la pared hasta llegar a la esquina qe. esta por el rumbo N. O. y se midieron noventa y dos varas Castellanas en cuyos se comprenden dos piezas qe. son un galeron util y uno inutil sin techo; en seguida se continuo la medida hasta otra esquina qe. se halla al rumbo N. E. y habienda llegado a ella se contaron noventa varas Castellanas en las cuales se encuentran pr. la misma nave de afuera cuatro piezas utiles; de alli se continuo la medida hasta llegar al puerton qe. esta unido a la pared de la Yglesia en donde se midieron veinte y tres varas Castellanas en las que se encuentran dos piezas inutiles. Concluidas de este modo las medidas pr. la parte de afuera, y entenido Don Juan Wilson de la separacion qe. hubo pa. consistorial y carcel, y senalados los limites a que por esta parte queda sujeto, bajo el angulo de dos cientas sesenta y una varas en cuyas quedan tambien comprendidas quince piezas utiles de habitacion y tres inutiles. Pase con los concurrentes ya citados adentro de la Plaza de dho. edificio, y
130 tomando los medidores el cordel se empezo la medida con direccion al S. O. hasta llegar a esquina, cuya medida fue de 36 varas, en las qe. se comprenden tres piezas utiles; y luego se continuo la medida pr. toda la orilla de la pared acia al N. O. la qe. termino pr. el mismo rumbo con una esquina en donde se contaron cincuenta y ocho varas Castellanas, y en ellas un galeron util y otro inutil. En seguida se medio con direccion al N. E. hasta llegar a la esquina qe. esta pr. el mismo rumbo, y se contaron sesenta varas Castellanas, y cinco piezas utiles comprendidos en ellas. De alli se hizo la medida hasta el puerton al respaldo de la Yglesia de esta pueblo, y se medieron veinte y tres varas en cuyas se comprenden dos piezas inutilas, sin techo. Concluidas de este modo las medidas, y senalados los terminos y lineas a que estan sugetos entendido el Sor. Wilson qe. el cuadro de la Plaza con los arboles qe. en el se encuentran y a mas los tres corrales de piedra pertenecientes a estas fincas son de su propiedad, pa. perfeccionar el auto en voz clara le dije: En nombra de la Nacion Mejicana doy a V. posesion de la parte de este edificio y los corrales de piedra que V tiene comprados y que ahora se le han medido; y mandandole qe. hiciese alguna demostracion de haber adquirido el dominio util y directo, y con esto la pro-

priedad de dhas, fincas, como dueno y Senor de ellas, tiro piedras y cavo la tierra, con lo cual se concluyo el auto, y habiendo pedido el interesado se le devuelvan estas diligencias originales. Y pa. su constancia lo firme con los de asistencia.

J. DE JESUS PICO.

Asa.:
JOSE GARCIA.
VICTOR LINARES.

SAN LUIS OBISPO, *Junio* 25, *de* 1846.

Devuelvanse estas diligencias originales al interesado pa. testimonio de adquisicion de propiedad y el uso qe. le convenga y tomese razon en el libre respectivo de esta Jusgado.

PICO.

131 SAN LUIS OBISPO, *Junio* 25, *de* 1846.

Atendido el auto anterior, con esta f'ha es devolvio a Don Juan Wilson este expediente en 7 fojas utiles, y lo asente pr. diligencia qe.

(Pico's Rubric.)

Queda tomada razon en el libro respectivo de posesiones de este Jusgado a fojas, 13, 14, 15, y 16.

J. DE JESUS PICO.

[Translation.]

Exhibit XXIII.—San Luis Obispo.

Pio Pico, Senior Member of the Most Excellent Departmental Assembly, and Provisional Governor of the Californias.

Governor of the Dept. [EAGLE] of the Californias.

Whereas the part of the main building of the mission of San Luis Obispo, which remains after setting apart the curate's house, the town-hall, school room and jail, was exposed at public auction to the bidder in this capital, on the 4th inst., and whereas, the Senores Scott and Wilson and Don Santiago McKinley became the purchasers of the said part of the edifice, by virtue of having been the last and highest bidders in their offer of five hundred and ten dollars, and having paid, in full satisfaction this sum in current money to the departmental government:

Now, therefore, I, using the faculties conferred on me by the most excellent departmental assembly in its resolutions on the matter, dated July 4th of the present year, and in conformity with the regulations of October 28th ultimo, do declare by these presents, the said Senores Scott & Wilson and Don Santiago McKinley to be the
132 legal owners in partnership of all the rooms which belong to building of San Luis Obipo, which was sold to them, the

number and size of which will be shown by the judicial possession which, by a special order of this date, the first alcalde of San Luis Obispo ought to give them, with all the corrals fenced with stone which were the property of said missions and belonged to no individual.

Therefore I order that this title being held as firm and valid, note be taken of it in the book of entries of grants of vacant lands, and it be delivered to the parties interested for their security and other purposes.

Given in the city of Los Angelos on the sixth day of December, one thousand eight hundred and forty-five, on common paper for want of stamped.

[Signed] PIO PICO.
[Signed] JOSE MARIA COVARRUBIAS.
Secretary.

Note has been made of this title in the respective book. Angeles, dated as above.

COVARRUBIAS.

To the justice of the peace:

SAN LUIS OBISPO, *June* 22, 1846.

In conformity with this request, on Monday, the 23d inst., the judicial posession solicited will be given to the party interested.

I, the justice of the peace of this demarcation, thus decreed, ordered, and signed.

[Signed.] PICO.

Juan Wilson, resident of the district of Santa Barbara, for himself, and in the name of Don Diego Scott and Santiago McKinley, appears and represents: That, in virtue of having purchased from the departmental government the part of the principal building of this place, as shown by the title which I transmit herewith, I pray you will consent to give me the judicial possession in conformity with said title. Therefore I request you to grant me this favor, in which I will receive grace, which I swear, etc. Excusing the use of common paper for want of stamped.

[Signed.] JUAN WILSON.

San Luis Obispo, Jun 22d, 1846.

133 In the pueblo of San Luis Obispo, on the twenty-second day of the month of June, in the year one thousand eight hundred and forty-six, present Don Juan Wilson, and I notified him of the preceding order, and he acknowledged notice and I noted it officially, and certify with the assisting witnesses for want of a notary.

(Signed) J. DE JESUS PICO.

Asst'g witnesses:

(Signed) JOSE GARCIA.
(Signed) VICTOR LINARES.

In the peublo of San Luis Obispo, on the twenty-third day of the month of June, of the year one thousand eight hundred and forty-six, I, the justice of the peace, accompanied by assisting witnesses, caused to be measured a cord for the purpose of measuring the "fincas"

(premises,) of the main building of this pueblo, and a cord was measured ten Spanish varas long, and two stakes were tied to its extremities, and in testimony I noted it officially which I signed with those of assistance.

(Signed) J. DE JESUS PICO.

Assi'g witnesses:

(Signed) JOSE GARCIA.
(Signed) VICTOR LINARES.

In continuation, on the same day, month, and year, I, the justice of the peace of San Luis Obispo, accompanied by assisting witnesses, decided to appoint from the bystanders two measuring rope-bearers, and appointed Don Mercurial Garcia and Ignacio Castillo, who accepting the office, made oath by God, Our Lord, and the Holy Cross, to discharge it faithfully to the best of their knowledge and belief, and I noted it officially which I signed with those of assistance.

(Signed) J. DE JUSUS PICO.

Asst'g witnesses:

(Signed) JOSE GARCIA.
(Signed) VICTOR LINARES.

134 It continuation, on the same day, month, and year, I, the justice of the peace of San Luis Obispo, accompanied by the assisting witnesses and other persons afore-mentioned, went to the dwelling-house of the parish minister of this pueblo, for the purpose of commencing the measurements of the main building, and after having set apart for said curate six good rooms and two halls which are united in one place, notwithstanding the division of rooms, for his dwelling and other convenient purposes, the measurers took the cordel by its extremities and stakes and measured; from the principal door through which they pass to enter the plaza, fifty-six Spanish varas to the southwest corner of the building, in which distance and in the same range were ten good rooms for dwelling, of which the two which are at the corner where the measurement terminated, were set apart for town-hall and jail; thence the measurement was continued along the wall to the northwest corner, nine-two Spanish varas, in which are included one gallery in good order and another without roof; then the measurement was continued ninety Spanish varas to the northeast corner, in which distance is the same range outside are four good rooms: thence to the large gate next to the wall of the church, twenty-three Spanish varas in which are two good rooms. The measurement on the outside being thus concluded, and Don Juan Wilson having been informed of the reservation which was made of town-hall and the jail and the limits designated, this part is included in a boundary of two hundred and sixty-one varas, in which are included fifteen good rooms for dwellings and three useles ones. I then passed into the plaza of said building with the aforesaid persons, and the measurers taking the cordol, measured southwest to the corner thirty-six varas, in which are three useful rooms; and then

continuing to the northwest along the wall, the measurement ended in a corner distant fifty-eight Spanish varas, including one useful and one useless gallery; thence northeast to the corner which is in that direction sixty Spanish varas, with five good rooms contained in it; thence directing the measurement to the large gate behind the church twenty-three varas, containing two rooms without roofs. The measures being thus ended and the bounds and lines to which they are
135 subject designated, Senor Wilson being made to understand that the square of the plaza with the trees which are in it, and also the three stone corrals belonging to these buildings are his property, to perfect the act, in a loud voice I said to him: In the name of the Mexican nation I give you possession of the part of this building and the stone corrals which you have purchased and which have just been measured; and directing him to make some demonstration of having acquired the useful and direct dominion and as such the ownership of said buildings, as owner and lord of them, he threw stones and dug earth with which the act was concluded, the interested party having asked that these original official acts be returned to him, and in testimony thereof I signed with assisting witnesses.

(Signed) JOSE DE JESUS PICO.

Asst'g witnesses:

(Signed) JOSE GARCIA.

(Signed) VICTOR LINARES.

SAN LUIS OBISPO, *June 25th*, 1846.

Let these original official acts be delivered to the party interested for testimony of acquisition of ownership and the use he may find convenient, and let note thereof be taken in the corresponding book in this office.

(Signed) PICO.

SAN LUIS OBISPO, *June 25th*, 1846.

In compliance with the preceding order of this date this expediente was given to Don Juan Wilson in seven folios, and I noted it officially and signed in rubric.

RUBRIC OF PICO.

Note has been taken in the proper book of possessions in this office on folios 13, 14, 15, and 16.

(Signed) JOSE DE JESUS PICO.

[Original]

136 *Exhibit XXIX.*

Pico Pico, Gobernador Constitucionel del Departamto de Californias.

Gobierno del De p
[EAGLE.]
De Californ ıs.

Autorizado priviamente por la Exma Asamblea Departamental para la enagenacion de las Misiones a fin de pagar sus deudas y evitar la total ruinade ellas, atendiendo a que el Senor Dn. Santiago Arguello

ha hecho al Gobierno servicios de consideracion en todos tiempos, y asi mismo, facultado auxilios siempre que se la han solicitado, para conservacion del propio Gobierno y seguridad del Departamento sin habersele indemnizado; habiendo este Senor pretendino, para su beneficio personel y el de su numerosa familia, el comprar la Mision de San Diego con todos sus terrenos, fincas rusticas y urbanas que tuviere, paganda integra y religiosamente las deudas pasivas de dicha Mision que aparecieren justificadas, segun las relaciones que de ellas formo la comision de misiones, obligandose a mas a proporcionar la subsistencia del Padre Ministro que alli existe y la conservacion del culto divino; visto y considerado todo lo que ver y censiderar convino, en uso de las facultades con qe. me hallo investido, he venido en hacer venta real y enagenacion perpetua para siempre jamas a Dn. Santiago Arguello segun y conforme ha convenido, con todas las pertenencias que hoy cuenta y reconoce anexas, consistan en terrenos, fincas, bienes raices o semovientes; en cuyo testimonio y para su validacion y mejor cumplimiento se ponen las condiciones siguientes:

1a. Pagara a los acreedores de la mision de San Diego las cantidades que aparecieren justificadas, pudiendo convenirse con ellos en el tiempo y modo de verificarlo.

2a. Desde ahora es de su cuenta particular todo lo necesario para la subsistencia del Padre Ministro que alll existe, como igualmente para la conversacion del culto divino.

3a. No se podra alegar lesion enorme por esta venta de parte de ninguno, y el exceso en poco o mucha suma queda a favor del
137 comprador por ser el valor justo que actualmente tiene dicha Mision y no haber quien diese mas por ella.

4a. Se exceptuan de la venta anterior el templo y todas sus pertenencias y habitaciones del Padre Ministro.

En consecuencia declaro por las presentes letras ser dueno legitimo de la referida Mision de San Diego el Senor arriba mencionado, en los terminos y bajo las condiciones expresadas, por cuya virtud podra tomar posesion de ella desde ahora o cuando le conviniere. Y para la debida constancia en todos tiempos, doy este documento como formal escritura que sera reconocido y acatado por todas las autoridades civiles y militares de la Nacion Majicana este y en los demas departamentos, y aun por el Gobierno general de ella, autorizado debidamente con mi firma y la del Secretario de mi despacho, en este papel comun por falta de sellado, en la Cuidad de los Angeles, a ocho de Junio de mil ochocientos cuarenta y seis.

PICO PICO.

JOSE MATIAS MORENO, Srio. Ynto.

[Translation.]

Exhibit XXIX.—San Diego.

Pico Pico, Constitutional Governor of the Department of the Californias:

Governor of Dept. [EAGLE] of the Californias.

Previously authorized by the most excellent departmental assembly to alienate the missions, in order to pay their debts and to avoid their total ruin, knowing that Senor Don Santiago Arguello has rendered the government important services at all times, and has also given aid when asked, for the preservation of the legitimate government, and the security of the department without having received any indemnification; and whereas this senor has had, for his own personal benefit and that of his numerous family, asked to
138 purchase the mission of San Diego, with all its lands and property belonging to it, both in town and country, he paying fully and religiously the passive debts of said mission which appear established according to the report of the committee on missions, binding himself to preside for the support of the priest located there, and of divine worship.

Having seen and considered all that is to be seen and considered, and using the faculties conferred upon me, I have made real sale and perpetual alienation of it forever to Don Santiago Arguello, according to, and in conformance with what has been agreed upon, with all the appurtenances found and known at the time as belonging to it, whether consisting in lands, buildings, improved real estate, or cattle.

In testimony of which, and for its validity and better fulfillment, the following conditions are added:

1st. He shall pay the creditors of the mission of San Diego the sum which may appear justly due them, he being authorized to enter into an agreement with them as to the time and mode of settling them.

2d. From now henceforth he shall bear, upon his own account, the necessary expenses for the subsistence of the priest located there, and also for the preservation of divine worship.

3d. No one shall claim unreasonable damages on account of this sale, and the excess, whether great or small, is granted to the purchaser, for he takes it at the true value which the said mission now possesses, and there is no one who will give more for it.

4th. The church and its appurtenances and the dwelling of the priest are excepted from the foregoing sale.

In consequence, I declare by these presents the aforesaid senor to be the legitimate owner of the said mission of San Diego, on the terms and under the conditions above expressed, by virtue of which he may take possession of it from this time, or whenever he may see fit.

And as a proper testimony in all future time, I give this document

as a formal deed which shall be acknowledged and respected by all civil and military authorities of the Mexican nation in this and
139 other departments, and even by the general government of Mexico. Properly authorized under my hand and that of my Secretary of State, on this common paper, there being none stamped, in the city of Los Angeles, the 8th day of June, one thousand eight hundred and forty-six.

(Signed) PICO PICO.
(Signed) JOSE MATIAS MORENO,
Sec'y ad interim.

[Original.]

Exhibit XXX.—San Louis Rey.

Pio Pico, Gobernador Constitucional del Departamto. de Californias:

Gobierno del Depto. }
[EAGLE.] }
De Californias. }

Por cuanto Don Antonio Jose Cot y Don Jose Antonio Pico se presentaron a este Gobierno, solicitando se les de en legitima posesion la Mision de San Luis Rey y el Rancho de Palas con los terrenos que les pretenecen, en pago de dos mil pesos en plata, y cuatro cientos treinta y siete pesos cuatro reales en semillas, con qe. han auxiliado al mismo Gobierno en sus urgencias, obligandose ambos a satisfacer en toda clase de esquilmos las deudas de la expresada Mision de San Luis Rey en el termino de cuatro anos; teniendo en consideracion los perjuicios que los interesados han tenido por el retardo de la satisfaccion de aquella deuda, y que las fincas, que estan en un abandono total, no pagarian a los demas acreedores, he venido en concederles a los expresados Sres. Dn. Ant. Jose Cot y Dn. Jose Antonio Pico, en virtud de las facultades con que me hallo investido, quedando responsables a satisfacer las deudas de la referida Mision de San Luis Rey el tiempo que ofrecen.

Y para qe. el presente documento tenga la validacion correspondiente, anotese y tomese razon en el libro respectivo por el Senor Secretario del despacho pa. resguardo de los interesados; extendiendoseles en papel comun por falta del sellado correspondiente. Dado
140 en la casa de Gobierno en la Ciudad de los Angeles, a los diez y ocho dias del mes de Mayo, de mil ochocientos cuarenta y seis.

PIO PICO.
JOSE MATIAS MORENO,
S'io. Ynto.

Queda tomada razon de este superior despacho en el libro respectivo.

MORENO.

[Translation.]

Exhibit XXX.—San Luis Rey.

Pio Pico, Constitutional Governor of the Department of the Californias:

Governor of the Dept. [EAGLE.] of the Californias.

Whereas, Don Antonio Jose Cot and Don Jose Antonio Pico have presented themselves to this government, petitioning that it shall give them a legitimate possession of the Mission of San Luis Rey, and the rancho of Palas with the lands which pertain to them, in payment of two thousand dollars in money and four hundred and thirty-seven dollars and four reales, in grain, with which they have assisted the government in its exigencies, they both obligating themselves to satisfy in every description of produce, the debts of the said Mission of San Luis Rey, in the term of four years; bearing in consideration the damages which the interested parties have sustained in the delay of the satisfaction of the said debt, and that the edifices which are in a total abandonment, will not pay the other creditors, I have resolved to concede them to the Senores Don Antonio Jose Cot and Don Jose Antonio Pico, in virtue of the faculties with which I find myself invested; they remaining responsible to satisfy the debts of said Mission of San Luis Rey, in the time which they offer. And in order that the present document shall have such corresponding validity, let it be entered and taken account of in the respective book, by the senor secretary of State, for the security of the interested—being drawn on common paper, for lack of the proper sealed.

141

Given in the government house in the city of Los Angeles, this 18th day of May, 1846.

PIÓ PICO.
JOSE MATIAS MORENO,
Secretary ad interim.

Note of this superior dispatch has been made in the respective book.

MORENO.

[Original.]

Exhibit XXXI.—San Gabriel.

Pio Pico, Gobernador Constitucional, del Departamento de Californias:

Gobierno del Depto. de Californias. [EAGLE.]

Autorizado previamente por la Exma Asamblea Departamental para la enagenacion de las Misiones, asi para pagar sus deudas y evitar la total ruina de ellas, como para proporcionar recursos que sirvan a la defensa comun en el caso de una invasion estrengera que segun datos fe hacientes se halla muy proxima de suceder, en cuya circunstancia el Gobierno del Departamento esta facultado ampliamente por el Supremo da la Nacion; atendiendo a que los Senores Don Perfecto Hugo Reid y Don Julian Workman han hecho al Gobierno servicios de consideracion, y tambien facilitado buenos auxilios para su mejor conservacion y seguridad del Departamento, bajo la garantia de justa indemnizacion cuando la hacienda general estuviese desahogada; habiendo esto Senores solicitado, para su beneficio personal y el de sus familias, la Mision de San Gabriel, con todos sus terrenos, fincas rusticas y urbanas, en pago de las cantidades que en differentes epocas han facilitado al Gobierno Departamental, obligandose
142 a mas a satisfacer integra y religiosamente las deudas pasivas de dicha Mision que aparecien justificadas segun la relacion qe. de ellas formo la comision de Misiones; como tambien a senalar una parte o cantidad proporcionada para subsistencia del Padre Ministro que alli exista y conservacion del culto divino; visto y considerado lo que ver y considerar convino, en uso de las facultades con que me hallo investido, he venido en hacer venta real y engenacion perpetua para siempre jamas, a los Senores Perfecto Hugo Reid y Julian Workman, de la Mision de San Gabriel segun y conforme ellos han convenido, con todas las pertenencias que hoy cuenta y reconoce anexas consistan en terrenos, fincas, bienes raices o semovientes, en cuyo testimonio para su validacion y mejor cumplimiento se ponen las condiciones siguientes:

1a. Pagaran a los acreedores de la Mision de San Gabriel las cantidades que aparecieren justificadas, a lo mas en el termino de dos anos, pudiendo convenirse con ellos a la espera, abonandose a si mismos las cantidades que hubieren desembolsado y estan reconocidas por legales.

2a. La venta se hace permanente de los edificios principales y particulares, de otras fincas, huertas, vinas y demas bienes raices y semovientes, y de los terrenos totalmente baldios que tuviere y no reconocieren propiedad particular ninguna.

3a. Desde ahora para siempre facilitaran de su cuenta lo necesario para la subsistencia del Padre Ministro que en todo tiempo existiere alli, como igualmente para la conservacion del culto divino.

4a. No se podra alegar lesion enorme por esta venta de parte de

ninguno, y el exceso en poca o mucha suma queda a favor de los compradores por ser el justo valor que tiene actualmente dicha Mision y no haber quien diese mas por ella.

En consequencia declaro por las presentes letras ser duenos legitimos de la expresada Mision de San Gabriel, de mancomun, los Senores arriba mencionados en los terminos y bajo las condiciones expresadas por cuya virtud podran tomur posesion de ella desde ahora. Y para la debida constancia en todos tiempos, doy este documento, como formal escritura, que sera reconocido y acatado por todas las
143 autoridades civiles y militares de la Nacion Mejicana en este y en los demas Departamentos y aun por el Gobierno General de ella, autorizado debidamente con mi firma y la del Secretario de mi despacho, en este papel comun por absoluta falta del sellado, a ocho de Junio, de mil ochocientos cuarenta y seis.

PIO PICO.
JOSE MATIAS MORENO,
Srio. Ynto.

Queda tomada rason de este Superior Despacho en el libro respectivo.

MORENO.

[Translation.]

Exhibit XXXI.—Title to San Gabriel Misssion.

Pio Pico Constitutional Governor of the Department of the Californias:

Governor of dep. [EAGLE.] of the California.

Having been heretofore authorized by the most excellent departmental assembly to alienate the missions, as well for paying their debts and avoiding the total ruin of the same, as for obtaining funds to provide for the common defense in case of a foreign invasion, which according to credible information is very close at hand, in which case the government of the department has received ample powers from the supreme one of the nation: Considering that the Senores Don Perfecto Hugo Reid and Don Julian Workman have rendered considerable services to the government and also lent good assistance for the better preservation and security of the department under guarantee of just recompense whenever the general treasury should be relieved; and whereas those senors have solicited for their personal benefit and that of their families, the mission of San Gabriel with all its lands, improvements of town and country, in payment of the sums which at different periods they have ad-
144 vanced to the departmental government, binding themselves to satisfy fully and religiously, the debts outstanding against said mission which may be proved according to the report of the same made by the committee on missions as also to assign a propor-

tional part or sum for the maintenance of the ministering fathers who may live there, and for the preservation of divine worship; having seen and considered all it behooves to see and consider:

In the exercise of the power wherewith I find myself invested, I have to come to make a real sale and perpetual alienation forevermore to the Senores Perfecto Hugo Reid and Julian Workman of the mission of San Gabriel, according and conformably as they have agreed, together with all the appurtenances which at this day are reckoned and considered as appertaining to the same whether they consist in lands, real estate or cattle.

In testimony whereof, and for the validity and better accomplishment hereof, the following conditions are imposed:

1st. They will pay to the creditors of the mission of San Gabriel the sums which may appear and be proved, at the furthest, in the term, of two years, with power to agree with them for delay.

They will also credit themselves with the sums they may have disbursed and acknowledged as lawful.

2d. The sale is hereby made of the principal and private edifices, of other improvements, gardens, vineyards, and other real estate and cattle, of the lands wholly unoccupied there may be, and which do not belong to the property of any individual whatever.

3d. Henceforward, they will advance on their own account, the necessaries for the subsistence of the father ministers who at any time may live there, as also for the preservation of divine worship.

4th Neither party to this sale shall have power to allege excessive damages, and the balance whether the same amount to a smaller or larger sum, remains in favor of the purchasers, they having paid the just value which said mission actually possesses, and there being no one who would give any more for it.

145 In consequence, I declare by these present letters, that the persons above-named are legitimate owners of the said mission of San Gabriel, jointly, on the terms and under the conditions above stated.

By virtue whereof, they may take possession of the same from this moment, and for due testimony at all times I give this instrument as a deed in due form, which is to be acknowledged and respected by all the civil and military authorities of the Mexican nation in this and the other departments, and even by the general government of the same, being duly certified with my signature and that of my Secretary of State, on this common paper, there being absolutely none stamped, on the eighth day of June, one thousand eight hundred and forty-six.

PIO PICO.
JOSE MATIAS MORENO,
Sec'y pro tem.

Note has been made of this superior dispatch in the respective book.

MORENO.

[Original.]

Exhibit XXXII.—San Fernando.

Gobierno del Depto.
[EAGLE.]
De Californias.

El infrascrito Gobernador Constitucional del Departamento de Californias en virtud de las facultades de que se halla investido por el Gobierno Supremo de la Nacion, y por decreto de la Honorable Asamblea Departamental de trece de Abril del presente ano, para proporcionar recursos a fin de sostener la intregridad del territorio de este Departamento, enagena en la persona de Dn. Eulogio de Celis, y sus herederos, la ex-Mision de Sn. Fernando en la
146 cantidad de catorce mil pesos que recibe, con todas sus propiedades, fincas, terrenos, e inventario, menos la Yglesia que queda para uso publico con todas sus pertenencias, y a proporcionar lo necesario al culto divino.

Constituyendose el referido comprador mantener los actuales indios viejos en sus terrenos por el tiempo de sus dias, pudiendo hacer sus siembras con solo la condicion de no poder enagenar los terrenos que cultiven, y cualquiera otros que posean sin titulo anterior del Gobierno Departamental; por tanto se reconocera al citado Senor Celis como legitimo propietario de la mencionada ex-Mision de San Fernando, para que haga el uso que mejor le convenga, garantizandole como le garantiza este Gobierno la precitada finca por bien habida, con todas las prerogativas que las leyes senalan a favor de los compradores, con solo la condicion de que no tomara posesion el referido comprador en el termino de ocho meses contados desde la fecha en cuyo termino le queda la accion al Gobierno de hacer nulo el presente contrato, reintegrando al expresado Senor Celis la cantidad de catorce mil pesos que desembolsa con el correspondiente premio, a estilo de comercio; pero si este reintegro no tuviere efecto en los citados ocho meses, tengan por valida al presente venta.

El antereferido comprador se compromete en asegurarle al Padre Ministro de aquel establecimiento, la manutencion y vestuario con la posible decencia, y asi mismo las piezas de habitacion que tiene asignadas o las que justamente necesite.

Y para la debida constancia y seguridad del interesado, se estiende la presente escritura, que sera reconocida y acatada por todas las autoridades del Departamento para su mejor cumplimiento.

Y en preuba de lo cual, se autoriza y firma por el infrascrito y Secretario del despacho, en la Ciudad de Los Angeles, en este papel comun por falta del sellado, a diez y siete de Junio de mil ochocientos cuarenta y seis.

PIO PICO.

JOSE MATHIAS MORENO, *S'rio. Ynto.*

Queda tomada razon de este Superior despacho en el libro respectivo.

MORENO.

147

[Translation.]

Exhibit XXXII.—San Fernando.

Governor of Dep. of the Californias. [EAGLE.]

The undersigned, constitutional governor of the department of the Californias, in virtue of the powers vested in him by the supreme government of the nation, and in virtue of a decree of the honorable departmental assembly of April thirteenth of the present year, to raise means for the purpose of preserving the integrity of the territory of this department, for the sum of fourteen thousand dollars which he receives, sells unto Don Eulogio de Celis and his heirs the ex-mission of San Fernando. with all its properties, estates and lands, and inventory, with the exception of the church and all its appurtenances, which remains for public use, and he to provide what is necessary for divine worship.

Said purchaser obligating himself to maintain on their lands the old Indians on their premises during their lifetime, with the right to make their crops, with the only condition that they shall not have the right to sell the lands they cultivate, and any other which they possess, without anterior title from the departmental government; therefore the aforesaid Senor Celis shall be acknowledged as the legitimate owner of the aforesaid ex-mission of San Fernando, to use the same as to him shall seem best, guaranteeing unto him, as this government does guarantee, that he is well possessed of the aforesaid estate, with all the prerogatives granted by law to purchasers, with the only condition that the above-mentioned purchasers shall not take possession within the space of eight months from the date hereof, within which period the government shall have the right to annul this contract by reimbursing to the aforesaid Senor Celis the sum of fourteen thousand dollars, with interest at the current commercial rates; but if this reimbursement is not made within the aforesaid eight months this sale shall be valid.

The above-mentioned purchaser binds himself to warrant to
148 the father minister of the aforesaid establishment his subsistence and clothing with all possible decency, together with the rooms assigned to him, or those which he justly requires.

And for the establishment of this fact and the security of the purchaser, the present document is issued, and shall be acknowledged and respected by all the authorities of the department for its accomplishment.

And in testimony hereof the undersigned and secretary of the department grant this authority and affix their signatures, in the city of Los Angeles, on this ordinary paper for want of stamped paper, the seventeenth of June, one thousand eight hundred and forty-six.

PIO PICO.
JOSE MATIAS MORENO,
Sec'y pro tem.

[Original.]

Exhibit XXXIII.—San Buenaventura.

Gobierno del Depto.
[EAGLE.]
de Californias.

Pio Pico, Gobernador Constitucional del Departamento de Californias:

Autorizado previamiente por la Exma. Asamblea Departamenta para la enagenacion de las Misiones, asi para pagar las deudas, y evitar la total ruina de ellas, como para proporcionar recursos que sirvan a la defensa comun en el caso de una invasion estrangera que segun datos fe hacientes se halla muy proxima de suceder; en atencion que el Senor Don Jose Arnaz ha hecho al gobierno servicios de consideracion, y tambien facilitado buenos auxilios para la mayor conservacion y seguridad del departamento, bajo la garantia de justa indemnizacion cuando la hacienda general estuviere desahogada, y no teniendo modo o forma de cubrir la cantidad que justamente le adeuda este gobierno, le da en pago de la que en diferentes epocas ha facilitado al gobierno, y la que ha recibido presente, en
149 total de doce mil pesos; y considerando todo lo que hay que ver y meditar convino; en uso de las facultades con que me hallo investido por el supremo gobierno, y decreto de 13 de Abril ultimo de la exma. asamblea departamental, he venido en hacer venta real y efectiva enagenacion perpetua para siempre jamas, al expresado Don Jose Arnaz, de la mision de San Buenaventura segun y conforme ha convenido, con todas las pertenencias que hoy cuenta y reconoce anexas, consistan en terrenos, fincas, bienes raices y semovientes; en cuyo testimonio y para su validacion, se ponen las condiciones siguientes:

1a. Pagara a los acreedores de la mision de San Buenaventura las cuentas que aparecieren justificadas, a lo mas, en el termino de un ano.

2a. Desde ahora para siempre facilitara de su cuenta lo necesario para la subsistencia y vestuario del padre ministro, y en todo tiempo subsistira alli, como igualmente para la conservacion, del culto divino, dejando a beneficio de dicho padre las piezas que tiene ocupadas para su habitacion.

3a. No se podra alegar lesion enorme por esta venta de parte de ninguno, y el exceso, en poca o mucha suma, queda a favor del comprador por ser el justo valor que tiene actualmente dicha mision, y no haber quien diere mas por ella.

4a. Se exceptuara de la venta anterior el templo y todas sus demas pertenencias que le corresponden.

5a. Los terrenos de que se hace mencion y que se reconocen por de la mision se comprenden de la Laguna Huenemo, el palo alto, los de siembras de Santa Paula, la canada de la mision, y todos los que no esten concedidos por justo titulo del gobierno, y que reconozcan la propiedad del establecimiento, de los que se hace venta, con todos

los bienes raices y semovientes, utiles, y demas que sea de su propiedad.

En consecuencia declaro, por las presentes letras, ser dueno legitimo de la expresada mision de San Buenaventura el Senor arriba mencionado en los terminos y bajo las condiciones expresadas, por cuya virtud podra tomar posesion de ella desde ahora. Y para la debida constancia en todos tiempos, doy este documento, como formal escritura, que sera reconocido y acatado por todas las autoridades civiles y militares de la nacion Mejicana en este y en los
150 demas departamentos, y aun por el gobierno general de ella, autorizado debidamente con mi firma y la del secretario de mi despecho, en este papel comun por absoluta falta de sellado, a ocho de Junio, de mil ochocientos cuarenta y seis.

PIO PICO.
JOSE MATIAS MORENO,
Srio. Ynto.

Queda tomada razon de este Superior despacho en el libro respectivo.

MORENO.

[Translation.]

Exhibit XXXIII.—Title to Mission of San Buenaventura.

Governor of Dep. of the Californias. [EAGLE.]

Pio Pico, Constitutional Governor of the Department of the Californias:

Previously authorized by the most excellent departmental assembly for the alienation of the missions, as well for the payment of their debts and to avoid their total ruin, as to procure the means that might serve for the common defense in the case of a foreign invasion, which, according to reliable information, is near happening, in consideration of Don Jose Arnas having rendered to the government considerable services, and also having furnished good means for the best preservation and security of the department, under the guaranty of a just indemnity when the general treasury shall be disembarrassed, and not having the resources to reimburse the amount which is so justly due him by this government, it gives him in payment for the amounts which he has furnished at different times to the aforesaid government, and which it has received, and which makes the sum twelve thousand dollars, and considering the existing circumstances; using the facilities with which I am invested by the supreme government and decree of the departmental assem-
151 bly of the 13th of April last, I have sold to the aforesaid Jose Arnas in fee the mission of San Buenaventura, as agreed upon, with all its appurtenances, consisting in lands, estates, properties, cattle, and movables; and in testimony whereof, and for the validity of the contract, the following conditions are established:

1st. He shall pay the creditors of the mission of San Buenaventura within ths space of at least one year, the amounts which shall be certified.

2d. From this day he shall furnish on his own account the means for sustenance and clothing of the father minister who shall at all times reside there and for the conservation of divine service, leaving for the benefit of said father the rooms which he occupies.

3d. Enormous lesion in this sale shall not be set up by either party, and the amount, either small or considerable, shall be interpreted in favor of the purchaser as being the actual just price of said mission, there being no one that would give more for it.

4th. The church building and all other appurtenances thereunto belonging shall be excepted from the above sale.

5th. The lands which are here mentioned and which are known as belonging to the mission include the Laguna Huenemo, el Palo Alto, the grain fields of Sata Paula, la Canada de la mission, and all those which have not been granted with a good title from the government, which are recognized as the lands of the establishment, which is hereby sold with all its property, cattle, utensils and other movables which appertain to the same.

In consequence whereof the aforesaid Senor Arnas is declared by these presents to be the legitimate owner of the aforesaid mission of San Buenaventura under the foregoing terms and conditions.

In consequence whereof he may take immediate possession of the aforesaid mission; in proof whereof I execute this document in due form, which shall be acknowledged and respected by all the civil and military authorities of the Mexican nation in this and other departments, and even by the general government.

152 Duly authorized under my hand and that of the Secretary of State, on this ordinary paper for want of stamped paper, this 8th day of June, 1846.

PIO PICO.
JOSE MATIAS MORENO,
Secretary pro. tem.

Note of this superior dispatch has been made in the respective book.

MORENO.

[Original]

Exhibit XXXIV.—Santa Barbara.

Pio Pico, Gobernador Constitutional del Departamento de Californias:

Gobierno del Depto.
[EAGLE]
De Californias.

Facultado ampliamente por el Supremo Gobierno Nacional para proveer a la defensa comun del Departamento en el caso de una invasion que con fundamento se teme, y siendo necesario para ello hacerse

de algunos recursos, habiendose presentado a este Gobierno Don Ricardo S. Den manifestando q. compraba la Mision de Santa Barbara con toda clase de pertenencias que le corresponden ofreciendo la cantidad de siete mil y quinientos pesos, y obligandose a dar la subsistencia al Padre Ministro; obrando en consecuencia con el decreto de la Honorable Asamblea relativo a Misiones de 13 de Abril ultimo, visto y considerado todo cuanto debia tenerse presente; he venido hacer venta formal y efectiva de la Mision de Santa Barbara con todas sus bienes raices y semovientes y terrenos que no reconozcan propiedad particular que le correspondieren, a Don Ricardo S. Den, mediante la cantidad de siete mil y quinientos pesos que ha entregado al Gobierno Departamental, exceptuandose de la venta la
153 Yglesia y sus pertenencias asi como las piezas de habitacion del Reverendo Padre que alli existe, y bajo las condiciones siguientes:

1a. Respetara las propiedades le los Indios que tuvieren establecidas, y no los molestara ni privara de ellas en virtud de esta venta.

2a. Senalara, a los indios que quisieren, terrenos para que hagan siembras a su beneficio, dando les derecho sobre ellas, y no impedira que introduzcan bienes de Campo en los lugares que presten comodidad, bajo la condicion de que no les enagenaran a ninguna persona y en el caso de abandono quedan al beneficiodel comprador.

3a. Proporcionara lo necesario para la subsistencia del Padre Ministro y conservacion del culto divino.

4a. Tan luego como sean cumplidos los nueve anos en que esta arrendada la Mision, tomara la posesion de ella, no pudiendo entre tanto disponer de ninguna de sus propiedades sino es con el con sentimiento de los arrendatarios.

En consecuencia declaro, por las presentes letras, ser dueno legitimo de la expresada Mision de Santa Barbara Don Ricardo S. Den, en los terminos y bajo las condiciones expresadas, con lo cual es conforme.

Y para la debida constancia en todos tiempos, doy este documento como enformal escritura, q. sera reconocido y acatado por todas las autoridades civiles y militares de la Nacion Mejicana, en este y en los demas departamentos, y ann por el Gobierno General de alla, autorizado debidamente con mi firma y la del Secretario de mi despacho, en este papel comun por absoluta falta del sellado, en los Angeles a diez de Junio de mil ochocientos cuarenta y seis.

PIO PICO.

JOSE MATIAS MORENO, *S'rio Ynto.*

Queda tomada razon de este Superior Titulo de venta, en el libro a que corresponde, fha. ut supra.

MORENO.

154 [Translation.]

Exhibit XXXIV.—Santa Babara.

Pio Pico, constitutional governor of the department of the Californias:

Governor of the Dept. of the Californias. [EAGLE.]

Fully empowered by the supreme government of the nation to provide for the general defense of this department in case of an invasion, which there is every reason to fear, and it being necessary to raise some supplies for that purpose:

This government having received the offer of Mr. Richard S. Den, for the purchase of the mission of Santa Barbara, with all things appertaining thereto, for the sum of seven thousand five hundred dollars, besides binding himself to provide maintenance for the missionary priest. Acting in conformity with the decree of the honorable departmental assembly of the 13th April last, after having examined and considered everything requisite in this matter, I have resolved to make a genuine and effective sale of the mission of Santa Barbara, with all its property, tenements, stock and lands (that do not belong to private individuals,) to Richard S. Den, by virtue of the payment of the sum of seven thousand five hundred dollars, which he has delivered to this departmental government; excepting from the sale the church and its appurtenances, and also the rooms occupied by the reverend priest who lives there, and on the following conditions:

1st. He shall respect the property of the Indians who may be established there, he shall neither molest, or dispossess them in virtue of this sale.

2d. He shall mark out the lands which the Indians wish to cultivate for their own benefit. giving them dominion over the same. He shall not prevent their placing stock on those places which are
155 convenient, on condition that they shall not confer these privileges to any other person, and in case of abandonment they shall remain for the benefit of the purchaser.

3d. He shall provide the necessary subsistence for the reverend minister, and for the preservation of divine worship.

4th. So soon as the nine years are completed for which the mission is rented he shall take possession of the same, in the interim he cannot dispose of any part of the property without the consent of the lessees.

I therefore declare, by these presents, that Richard S. Den is the legitimate owner of the aforesaid mission of Santa Barbara on the terms and conditions expressed herein, with which he is satisfied, and for perfect evidence at all times I give this document, as a genuine title deed, which will be acknowledged and respected by all the civil and military authorities of the Mexican nation in this and every other department, and likewise by the general government, being duly legalized by my signature, and that of my Secretary of State, on this

common paper for the absolute want of stamped paper, in Los Angeles, on the 10th day of June, 1846.

PIO POCO.
JOSE MATIAS MORENO.
Secretary ad interim.

Note of this superior title of sale has been made in the respective book, date as above.

MORENO.

[Original.]

Exhibit XXXV.—Santa Ynez.

Pio Pico, Gobernador, Constitucional, del Departamento de Californias:

Goberno del Depto.
[EAGLE]
De Californias.

Por cuanto los Senores Don Jose Maria Covarrubias y Don Joaquin Carrillo se presentaron a este Gobierno, solicitando se les de
156 legitima posesion la Mision de Santa Ynez con los pocos terrenos que le quedan y debidamente le corresponden lo mismo que las demas existencias que tenga, en pago de siete mil pesos con que han auxiliado a este Gobierno para sus urgencias, a mas de quedar obligados a proporcionar de su cuenta particular lo necesario para la subsistencia decente del reverendo Padre Ministro que alli hubiera y sosten para la conservacion del culto divino; teniendo en consideracion los servicios de estos Senores, particularmente el primero que siempre se ha prestado gustoso a ayudar al Gobierno, y que asi mismo se les seguiran perjuicios por las cantidades que han facilitado, y atendiendo al estado ruinoso de dicho establecimiento; he venido en conceder a los expresados Senores Covarrubias y Carrillo la mencionada Mision de Santa Ynez, con todas sus pertenencias, exceptuando las casas que sirven de habitacion al Rdo. Padre, la Yglesia, y demas cosas que le son afectas y reconoce proprias, como en justo pago de siete mil pesos, siendo este al presente su estimacion y no haber quien diese mas por ellas; usando pues de las facultades con que me hallo autorizado por el Supremo Gobierno Nacional, y por decreto de la Honorable Asamblea Departamental de 13 de Abril ultimo, declaro por las presentes letras, a los Senores ante dichos, duenos en propiedad de la repetida Mision, en los terminos que quedan estipulados, por cuya virtud podran desde luego tomar posesion de ella.

En consecuencia, mando, que teniendose el presente titulo por una formal y valedera escritura de venta, se entregue a los interesados para su resguardo y demas fines, debiendo ser reconocido y acatado por todas las autoridades civiles y militares de este Departamento, y demas de la Nacion; por lo cual, se tomara de el la correspondiente razon.

Dado en la Ciudad de Los Angeles, en este papel comun por absolutu falta del sellado, a los quince dias del mes de Junio de mil ochocientos cuarenta y seis.

PIO POCO.
JOSE MATIAS MORENO,
Sri. Ynto.

Queda tomada razon de este Superior Despacho en el libro respectivo.

MORENO.

157 [Translation.]

Exhibit XXXV.—Santa Ynez.

Pio Poco, Constitutional Governor of the Department of the Californias:

Governor of Dep. [EAGLE] of the Californias.

Whereas Don Jose Maria Covarrublas and Don Joaquin Carrillo have presented themselves to this government requesting that there be given to them in legal possession the Mission of Santa Ynez with the few lands which remain to it and duly correspond to it, as also the other property which it may at present have, in payment of seven thousand dollars, with which they have assisted this government for its pressing demands, besides remaining bound to furnish on their own private account what may be necessary for the decent subsistence of the reverend father minister who may be there, and support for the continuance of the divine worship; having in consideration the services of these gentlemen, particularly of the first, who has always taken pleasure in assisting this government, and that they will suffer losses on account of the amounts which they have furnished, and in consideration of the ruinous condition of said establishment, I have granted to the said Senores Covarrubias and Carrillo the aforesaid mission of SantaYnez, with all its appurtenances, excepting only the houses which serve as the dwelling of the rev. father, the church, and other things belonging to him and recognized as private, as in just payment of seven thousand dollars, this being its present value and there being no person who would give more for it; using then the powers with which I am authorized by the Supreme national government and the decree of the honorable departmental assembly of the 13th of April last, I do, by these presents, declare the aforesaid Senores owners in fee of the said mission in the terms which have been stipulated, in virtue of which they can take immediate possession of it.

158 In consequence I order that the present title being held as a formal title and valid deed of sale, it be delivered to the persons interested for their security and other purposes, being re-

cognized and respected by all the authorities, civil and military, of this department and others of the nation; wherefore, the corresponding note will be made of it.

Given in the city of Los Angeles, on this common paper, for absolute want of stamped, on the fifteenth day of the month of June, one thousand eight hundred and forty-six.

(Signed) PIO POCO.
(Signed) JOSE MATIAS MORENO.
Secretary ad interim.

Note has been made of this superior patent in the proper book.
(Signed) MORENO.

[Original.]

Exhibit XXXVI.—San Juan Bautista.

Pio Poco, Gobernador Constitucional del Departamento de las Californias:

Gobierno del Depto. [EAGLE.] De Californias.

Por cuanto a que D. Olivie Deleisegues ha justificado suficiente mente debersele por la hacienda publica diversas cantidades q. en numerario y esquilmos ha facilitado a la guarnicion del Puerto de Monterey, a pedimento del Sor. Comte. Gral. del Departamento, y habiendo solicitado en pago de ellas la huerta del establecimiento de San Juan Bautista, con lo cual se conforma, no obstante de que el importe de su avaluo es menos que la cantidad q. se le adeuda; he venido en concederle la expresada huerta, en uso de la facultad q. me confirio la Exma. Asamblea Departamental en su acuerdo
159 de cuatro de Julio del ano proximo pasado, y de conformidad con el Reglamto. de 28 de Octubre del mismo ano.

En consecuencia, declaro por las presentes letras, q. el mencionado D. Olivie Deleisegues es dueno legalmente de la referida huerta de S. Juan Bautista, en pago de lo que se le adeuda; en cuya virtud tomara la posesion judicial de ella mediante este despacho.

Por tanto, mando, q. teniendose el presente por titulo firme y valedero, se tome razon de el en el libro respectivo, y se entregue al interesado para su resguardo y demas fines.

Dado en papel comun por falta de sellado, en la Ciudad de Los Angeles, a cuatro de Mayo de mil ochocientos cuarenta y seis.

PIO PICO.
JOSE MATIAS MORENO,
Srio. Ynto.

Queda tomada razon de este Superior Despacho en el libro respectivo.

MORENO.

Sor. Alcalde 1°:

Maria Concepcion Boronda, viuda de Don Olivie Deleisegues y como albacea y tutora de mis menores hijos, en uso de mis derechos, ante V. como mejor proceda paresco y digo, que la justificacion e integridad de V. se ha de servir mandar ampararme de la posesion, que no se le dio a mi difunto esposo, de la huerta de arboles frutales, que se halla en este pueblo al norte de la plaza principal, segun el derecho que me asiste a mi y mis pupilos en el documento que en dos fojas utiles le acompano, y mediante tambien a ser yo la unica persona que derecho debe tener a dicha huerta. Por tanto:

A V. suplico manda decretar de conformidad, por ser de justicia que impetro.

San Juan Bautista, Abril 23 de 1850.

MARIA CONCEPCION BORONDA.

160 SAN JUAN BAUTISTA, *Abril* 23, *de* 1850.

Por presentando y admitido, pase esta solicitud al Sor. Juez de condado, para que con vista de ella y el titulo q. le acompana decrete si este Jusgado tiene facultades para conocer del presente negocio, y si es legal el titulo que menciona dicha solicitud, para en su vista seguir la secuela del negocio; agreguese aquel a esta por principio; asi yo el Co. Angel Librija Alcalde 1o. de esta Municipalidad, asi lo decrete, mande, y firme, con los de mi asistencia.

Doy fe,

ANGEL LEBRIJA.

Asa:
JESUS FIGUEROA.
SATURNINO CARREAGA.

Se agrego el titulo y se hizo saber a Dona Concepcion Boronda auto anterior, y enterade dijo que pide se le entregue originales las presentes pare occurrir a Monterey como esta mandado, y firmo.

C. BORONDA.
LEBRIJA.

En la fecha, y en tres fojas utiles se entregan las presentes a la parte.

Lo anoto. (Lebrija Rubric.)

[Translation.]

Exhibit XXXVI.—San Juan Bautista.

Pio Pico, Constitutional Governor of the Department of the California:

Governor of Dept. } EAGLE. } of the Californias.

Whereas Don Olivie Deleisegues has satisfactorily shown that the public treasury is in debt to him for sundry amounts of money
161 and effects furnished by him to the garrison of the port o.

Monterey at the request of the senor commandant general of the department, and having solicited in payment thereof the orchard of the establishment of San Juan Bautista, with which he is satisfied, notwithstanding the value thereof is less than the amount due him, I have concluded, by virtue of the powers vested in me by the most excellent departmental assembly in their resolution of the 4th of July of the last year past, and in conformity with the regulation of the 28th October of the same year, to grant him the orchard aforesaid.

Therefore, by these present letters, I declare the aforesaid Don Olivie Deleisegues to be the legitimate owner of the said orchard of San Juan Bautista in payment of what is due him, in virtue whereof he will take judicial possession thereof under this patent.

Therefore, the present being held as a firm and valid title, I order it to be entered in the respective book, and that it be delivered to the interested party for his security and other purposes.

Given on common paper for the want of sealed, in the city of Los Angeles, on the fourth day of May, one thousand eight hundred and forty-six.

(Signed) PIO PICO.
(Signed) JOSE MATIAS MORENO, *Sec'y.*

Entry is made of this superior patent in the proper book.
MORENO.

Senor First Alcalde:

I, Maria Concepcion Boronda, widow of Don Olivie Deleisegues, and as the administratrix and guardianess of my minor children, in the exercise of my rights, appear before your honor in due form, and pray:

That your honor, in your goodness and integrity, may be pleased to direct that I may be favored with the possession, which was not given to my deceased husband, of the orchard situated north of the principal square of this pueblo, according to my own right
162 and that of my wards in the document accompanied herewith on two written leaves, and also in virtue of my being the only person who should have any right to the said orchard.

Therefore I pray your honor to order a decree in conformity therewith, it being justice that I implore, etc.

San Juan Bautista, April 23, 1850.
(Signed) MARIA CONCEPCION BORONDA.

SAN JUAN BAUTISTA, *April* 23, 1850.

Being presented and admitted, let this petition be referred to the hon. county judge, that after an examination thereof, and of the title accompanied herewith, he may decide whether this court has any jurisdiction over the present case, and whether the title referred to in the said petition is legal whereupon to prosecute the continua-

tion of the cause. Let that be annexed to and preceding this. Thus: I, citizen Angel Lebrija, first alcalde of this municipality, decreed, ordered, and signed, with my assisting witnesses. I attest:

(Signed) ANGEL LEBRIJA.

Asst'g witnesses:
(Signed) JESUS FIGUEROA.
(Signed) SATURNINO CAREAGA.

The title was annexed and the foregoing act was notified to Dona Concepcion Boronda, whereupon she requested that those originals be delivered to her to repair to Monterey as directed, and she signed it.

(Signed) C. BORONDA.
(Signed) LEBRIJA.

On the same day and on three written leaves these documents were delivered to the party.

I enter it. (Lebrija's rubric.)

163 [Original.]

Exhibit XXXVII.—San Jose.

El Ciudadano Pio Pico, Gobernador Constitucional del Departamento de Californias:

Gobierno del Depto. de Californias. [EAGLE.]

Por cuanto los Senores Don Andres Pico y Don Juan Bautista Alvarado se han presentado como compradores del Establecimiento o Mision de San Jose, y con arreglo a la facultad concedida a este Gobierno Departamental en trece de Abril del presente ano, por la E. Asamblea, y en uso de las que me concede el Supremo Gobierno General, a nombre de la nacion Mejicana, y de conformidad con la ley de 18 de Agosto de 1824, y reglamento de 21 de Noviembre de 1828; he venido en declarar, como declaro a los expresados Senores duenos en propiedad del dicho establecimiento y bajo las condiciones siguientes:

1a. Pertenece, en venta real y personal para siempre jamas a los Senores Don Andres Pico y Don Juan Bautista Alvarado, el Establecimiento o Mision de San Jose, con sus terrenos, bienes raices y semovientes, y demas muebles existentes, confor me al inventario hecho por la comision que nombro este Gobierno.

2a. Se exceptuan de esta venta la casa cural, que consta de seis piezas con el local que a ella pertenece o le esta senalada quedando a beneficio del R. P. Misionero.

3a. Pagaran los expresados Senores Pico y Alvarado al Gobierno Departamental, por la venta del relacionado establecimiento o Mision de San Jose, la cantidad de doce mil pesos en metalico como valor convenido en contrata formal, quedando a su beneficio las cantidades que se le deban al dicho establecimiento, asi como tambien pagaran

a los acreedores las que deba el establecimiento, pues esta convenido por la presente contrata que sera de su precisa obligacion el chancelar aquellas cuentas de una manera definitiva.

164 4a. Podran los interesados cerrar, cercar o acotar sus terrenos sin perjudicar las travesias, caminos y servidumbres; lo disfrutaran libre y exclusivamente, haciendo de el, el uso que mejor les conviniera a su aprovechamiento.

5a. Pediran los interesados, al Juez que corresponda, la posesion judicial de dicho establecimiento en virtud de este titulo por la cual se lec demarcaran los linderos con las mojoneras de estilo, quedando en la precisa obligacion de levantar el respectivo diseno y agregarlo al presente Titulo.

Por tanto, mando, que el presente Titulo se tenga por firme y valedero, sirviendo de autentica escritura para la seguridad de los referidos compradores. Se tome razon de el en el libro a que corresponda, y se les entregue a los interesados para su resguardo y demas fines.

Es dado en la Ciudad de Los Angeles, Capital del Departamento de Californias, en papel comun por falta de sellado, a los cinco dias del mes de Mayo del ano de mil ochocientos cuarenta y seis.

PIO PICO.
JOSE MATIAS MORENO,
Srio. Ynto.

Queda tomada razon de este Superior Despacho en el libro respectivo.

MORENO.

[Translation.]

Exhibit XXXVII.—Title to San Jose Mission.

Citizen Pio Pico, Constitutional Governor of the Department of Californias:

Governor of the Dep. [EAGLE.] Of the Californias.

Whereas Senores Andres Pico and Juan Bautisto Alvarado have appeared as purchasers of the establishment or Mission of San Jose, and in accordance with the power vested in this departmental

165 government on the 13th day of April, of the present year, by the excellent assembly, and in exercise of those conferred on me by the supreme general government, in the name of the Mexican nation, and in conformity with the law of the 18th of August, 1824, and the regulations of the 21st November, 1828, I have thought proper to declare, as I do declare, the aforesaid senores owners in fee simple of said establishment, and under the following conditions:

1st. The establishment or Mission San Jose belongs to Senores Andres Pico and Don Juan Bautista Alvarado, by title of real and

personal sale, in perpetuity, together with its lands, real estate, live stock, and other existing movables, according to the inventory made by the Commissioners appointed by this government.

2d. There is excepted from this sale the parsonage, consisting of six rooms, with the ground thereto belonging or assigned, the same being for the benefit of the reverend missionery father.

3d. Said Senores Pico and Alvarado shall pay to the departmental government for the sale of said establishment or mission of San Jose, the sum of twelve thousand dollars in cash, as the value agreed by formal contract, having for their benefit the sums due said establishment. They shall also pay to the creditors the sums which said establishment may owe, as it is agreed by the present contract that they shall be bound to cancel those accounts in a definite manner.

4th. The parties interested may inclose, fence, or set bounds to their lands, without interfering with the cross-roads, highways and easements, (servidumbres). They shall enjoy it freely and exclusively, putting it to the use which may most conduce to their profit.

5th. The parties interested shall ask of the proper judge the judicial possession of said establishment by virtue of this title, by whom the boundaries shall be marked out with the customary land-marks, they being bound to make the corresponding plan and attach it to the present title.

Therefore I order that the present title be held as firm and valid, serving as an authentic deed for the security of the said pur-
166 chasers; that it be recorded in the proper book, and delivered to the interested party for their security and other purposes.

Given in the city of Los Angeles, capital of the department of the Californias, on common paper, there being none stamped, on the 5th day of May, in the year one thousand eight hundred and forty-six.

PIO PICO.
JOSE MATIAS MORENO,
Secretary pro tem.

Note of this superior title has been made in the respective book.
MORENO.

[Original.]

Exhibit XXXVIII.—Mision de la Soledad.

Office of the U. S. Suv'r Gen'l, California. State papers, vol. xi, Missions, 1830—1846, p. 955.

El cuatro de Enero de 1846, se vendio a Dn. Feliciano Soberanes la Fabrica de la Mision de la Soledad, que se compone de una sala y tres cuartos, asi como la huerta y vina de la expresada ex-Mision, en la cantidad de ochocientos y mas pesos que le adeuda la hacienda puplica por suministros que hizo a las divisiones de los Senores Comandantes, Generales Dn. Manuel Micheltorena y Dn. Jose Castro; y en la misma fecha se le extendio el titulo de propiedad.

Pio Pico Vocal Decano de la Asamblea Departamental y Gobernador Provisional de las Californias:

Gobierno del Depto. [EAGLE.] de Californias.

Por cuanto Dn. Feliciana Soberanes ha pretendido comprar para su beneficio personal y el de su familia la fabrica de la ex-Mision de la Soledad que se compone de una sala y tres cuartos, el terreno,
167 la huerta, y la vina de la expresada ex-Mision, mediante la cantidad de ochocientes y mas pesos que le adeuda la hacienda publica y nacional por suministros que hizo a las divisiones de los Senores Comandtes Generales, Don Manuel Micheltorena y Don Jose Castro; en uso de las facultades que me confirio la Exma. Asamblea Departamental en su acuerdo relativo de 4 del Julio del ano pasado de 1845, y considerando que lo perteneciente a la ex-Mision de la Soledad se encuentra en un estado de ruina y abandono, declaro por las presentes letras, que el mencionda Don Feliciano Soberanes es dueno legalmente, y legitimo comprador de las expresadas fabrica, tierra, huerta y vina de la ex-Mision de la Soledad, mediante cesion que el repetido Soberanes hace a favor de la Nacion de mencionda cantidad de ochocientos y mas pesos que le adeuda la hacienda publica; pudiendo, desde ahora y en virtud de este despacho, tomar la posesion de dichas fabricas, tierra, huerta y vina; en la inteligencia que se excluye la Yglesia de dicha ex-Mision, la que quedara a disposicion del Ylmo. Senor Obispo. El terreno que en virtud de las presentes letras pasa a la propiedad del Senor Soberanes, es de la extension de dos sitios de ganado mayor y conlinda por la parte del norte contierras del Rancho de Lugo, y por el sur con un aliso que esta immediato al arroyo seco.

Por tanto, mando, que teniendose el presente por titulo firme y valedero, se tome razon de el en el libro de asientos sobre adjudicaciones de terrenos, valdios, y se entregue al interesado para su resguardo y demas fines. Dado en la Ciudad de Los Angeles, en este papel comun por folta absoluta del tellado, a cuatro de Enero de mil ochocientos cuarenta y seis.

PIO PICO.
JOSE MA. COVARRUBIAS, *S'rio.*

Queda tomada razon de este titulo en el libro respectivo. Angeles fecha ut supra.

COVARRUBIAS.

168 [Translation.]

Exhibit XXXVIII.—Mission of La Soledad.

On the fourth of January, 1846, was sold to Don Feliciano Soberanes the building of the mission of La Soledad, embracing one parlor and three rooms, as well as the orchard-garden and vineyard of the aforesaid ex-mission, for the sum of eight hundred and odd

dollars due him from the public revenue for supplies that he furnished to the divisions of the commanders General Don Manuel Micheltorena and Don Jose Castro; and on the same day the deed of ownership was granted to him.

Pio Pico, senior member of the departmental assembly and provisional governor of the Californias:

Governor of Dep. [EAGLE.] of the Californias.

Whereas Don Feliciano Soberanes has solicited to purchase, for his personal benefit and that of his family, the building of the ex-mission of La Soledad, comprising a hall and three rooms, the land, orchard and vineyard of said ex-mission, for the sum of eight hundred and odd dollars, owing to him by the public and national revenue, for supplies furnished by him to the divisions of Commandants Generals Don Manuel Micheltorena and Don Jose Castro:

In virtue of the powers conferred upon me by the most excellent departmental assembly by its decree respecting the matter dated July 4th of last year, 1845, and considering that the property belonging to the ex-mission of La Soledad is in a state of ruin and abandonment, I do declare by these present letters that the said Don Feliciano Soberanes is the legal owner and legitimate purchaser of the said building, land, orchard and vineyard of the ex-mission of La Soledad, in consideration of the cession which said Soberanes makes in favor of the nation of the said amount of eight hundred and odd dollars, owing to him by the public revenue, he being at liberty from this date and by virtue of this title to take pos-
169 session of said buildings, land, orchard and vineyard; it being understood that the church is excluded, this being left to the disposal of the most illustrious bishop.

The land which is transferred to the ownership of Senor Soberanes by virtue of these present letters is of the extent of two square leagues (sitios de ganada mayor) and is bounded on the north by lands belonging to Lugo's rancho, on the south by an alder tree situated near the Arroyo Seco.

I therefore command that, these presents being held as a firm and valid title, a record thereof be made in the book of entries respecting the adjudication of vacant lands, and be delivered to the party interested, for his security and further ends.

Given in this city of Los Angeles, on this common paper, on account of the absolute want of sealed paper, on this fourth day of January, A. D. 1846.

(Signed) PIO PICO.
(Signed) JOSE MA. COVARRUBIAS, *Sec'y.*

A record of this title has been made in the respective book.
COVARRUBIAS.

[Original.]

Exhibit XXXIX.—Mision de San Rafael.

Pio Pico, Gobernador Constitucional del Departamento de Californias:

Gobierno del Depto. }
[EAGLE.] }
De Californias. }

Por cuanto los Senores Antonio Sunol, Antonio Ma. Pico se presentaron a este Gobierno solicitando se les de en legitima posesion la Mision de San Rafael con los terrenos que le pertenecen en pago de ocho mil pesos con que han auxiliado al mismo Gobierno para urgencia, a mas de quedar obligados a pagar a los acreedores
170 las deudas que tenga el establecimiento en los terminos mas opportunos; teniendo en consideracion los perjuicios que los interesados han tenido por el estado de la satisfaccion de aquella deuda, y que las fincas estando en un abandono total no pagarian a los dichos acreedores, he venido en concederles a los expresados Senores la mencionada mision con sus pertenencias exceptuando las casas que sirven de habitacion al padre, La Yglesia y sus pertenencias; usando pues de las facultades con que me hallo autorizado por el Supremo Gobierno Nacional y por decreto de la Honorable Asamblea Departamental de fecha trece de Abril de este ano, declaro por las presentes letras a los Senores ante dichos duenos en propiedad de la referida mision en los terminos que quedan estipulados.

En consecuencia mando, que teniendose el presente titulo por firme y valedero, se tome razon de el en el libro a que corresponde, y se entregue a los interesados para su resguardo y demas fines.

Dado en la Ciudad de los Angeles, en papel comun por no haber sellado, a los ocho dias del mes de Junio de mil ochocientos cuarenta y seis.

(Signed) PIO PICO.
(Signed) JOSE MATIAS MORENO,
S'rio Ynt'o.

Queda tomada razon de este Superior Despacho en el libro respectivo.

(Signed) MORENO.

[Translation.]

171 *Exhibit XXXIX.—Mission of San Rafael.*

Pio Pico, constitutional governor of the department of the Californias:

Government of Dep. }
[EAGLE.] }
of the Californias. }

Inasmuch as Senores Antonio Sunol and Antonio Maria Pico have presented themselves to this government, soliciting that legal possession may be given them of the Mission of San Rafael, with the

lands belonging thereto, in payment of eight thousand dollars, with which they have assisted the said government in its necessities, besides binding themselves to pay the creditors the debt due by the establishment in the most opportune manner; taking into consideration the injuries which the said parties have sustained from the non-payment of the said debt, and the said property being in such a state of ruin that it would not pay the said creditors, I have determined on granting to those gentlemen the said mission and its appurtenances, except the houses which serve the priest for dwelling in, and the church and its appurtenances. Exercising, therefore, the powers with which I am invested by the supreme national government, and by the decree of the honorable departmental assembly bearing date the thirteenth of April of this year, I declare, by these presents, the aforesaid senores owners in their own right of the said mission on the terms stipulated.

Consequently I order that the present title being held for firm and valid, note of it be taken in the corresponding book and afterwards it be delivered to the said senores for their security and other purposes.

Given at the city of Los Angeles, on common paper, from there being none sealed, the 8th day of the month of June, one thousand eight hundred and forty-six.

(Signed) PIO PICO.
JOSE MATIAS MORENO,
Secretary ad interim.

172 Note has been taken of this gubernatorial document in the respective book.

(Signed) MORENO.

[Original.]

Exhibit XL.—Huerta de la mision de Santa Clara.

Pio Pico, Gobornador Constitucionel del Departam'to de Californias:

Gobierno del Depto. [EAGLE.] De Californias.

Autorizada previamente por la Exma. Asamblea Departmental para la enagenacion de las Misiones a fin de evitar la total ruina de ellas, y proporcionar al Gobierno recursos que de pronto necessita para atender a sus urgencias, y en vista de la solicitud de los ciudadanos Juan Castaneda, Luis Arenas, y Benito Dias, en que pretenden comprar la huerta de arboles frutales de la Mision de Santa Clara, con las cacas que le son anexas, ubicada al frente del establecimiento; usando de las facultades con que me hallo investido por el Supremo Gobierno Nacional y Decreto de la expressada Honorable Asamblea de 13 de Abril ultimo; he venido en hacer venta y enagenacion perpetua de la expresada huerta a los referidos Senores Juan Castaneda, Luis Arenas, y Benito Diaz, en la cantidad de mil doscientos pesos, que han pagado, y recibido est Gobierno a su satisfaccion, de confor-

midad con el avaluo que de ella hizo la Comision de Misiones, el que he tenido a bien moderar por el demerito en que actualmente se halla la referida huerta.

Y para la debida constancia en todos tiempos, doy este documento, como en formal escritura, que sera reconocido y acatado por todas las autoridades civiles y militares de la Nacion, en este y en los demas Departmentos, y aun por el Gobierno General, autorizado debidamente con mi firma y la del Secretario de mi Despacho.

En consecuencia mando que, teniendose el presente titulo
173 por firme y valedero, se tome razon de el en el libro que corresponda, y se entregue a los interesado para su resguardo y usos que les convenga.

El juez respectivo, en vista de este titulo, los pondra en posesion de la mencionada huerta, de que les hara formal entrega el encargado del establecimiento, a quien sea librara orden al efecto.

Dado en la Ciudad de Los Angeles, en papel comun por falta de sellado, a los trienta dias del mes de Junio, de mil ochocientos cuarenta y sies.

PIO PICO.
JOSE MATIAS MORENO,
S'rio Y'nto.

Queda tomada razon de este Superior Despacho en el libro respectivo.

(Signed) MORENO.

[Translation.]

Exhibit XL.—Orchard of the mission of Santa Clara.

Pio Pico, constitutional governor of the department of the Californias:

Government of Dep. [EAGLE.] of the Californias.

Having been previously authorized by the most excellent departmental assembly to alienate the missions for the purpose of preventing their total ruin, and to provide for the government means which it needs immediately to meet its urgent necessities; and in view of the petition of the citizens Juan Castaneda, Luis Arenas, and Benito Dias, in which they propose to purchase the orchard-garden of the mission of Santa Clara, with the houses pertaining to it, situated in front of the establishment; using the powers in me vested by the supreme government of the nation, and the decree of the said
174 honorable assembly of the 13th of last April, I have hereby made sale and perpetual alienation of the said orchard-garden to the said Senores Juan Castanedo, Luis Arenas and Benito Diaz for the sum of one thousand two hundred dollars, which they have paid, and which this government has received in full satisfaction therefor, in conformity with the appraisement of the same by the

committee on missions, which I have thought proper to diminish on account of the bad condition in which the said orchard-garden now is.

And for the proper authentication thereof hereafter forever, I give this document as a formal deed, which shall be recognized and respected by all the civil and military authorities of the nation, in this and in the other departments, and also by the general government, duly attested with my own signature and that of my secretary of state.

In consequence, I order that the present title being held firm and valid, an entry thereof be made in the proper book, and it be delivered to the persons interested for their own security and convenient purposes.

The proper magistrate, on presentation of this title, shall put them in the possession of the said orchard-garden, a formal delivery of which will be made to them by the person in charge of the establishment, to whom orders to that effect will be issued.

Given in the city of Los Angeles, on common paper for want of stamped, on the thirtieth day of the month of June, one thousand eight hundred and forty-six.

(Signed) PIO PICO.
(Signed) JOSE MATIAS MORENO,
Sec'y ad interim.

An entry of this superior dispatch has been made in the respective book.

(Signed) MORENO.

175 [Translation.]

Exhibit XLI.

Ministry of War and Marine, Section of Principal.

EXCELLENCY: To the general commander of California I this day communicate as follows:

"The preparations which the United States are making, and the approach of the naval forces toward our ports, leave no doubt that war with that power is about breaking out, and as his excellency, the President pro tem., is resolved to sustain the rights of the nation, he wishes that in all the ports of the republic where the enemy may present itself a rigorous defense be made, capable of giving honor and glory to the national flag. For that object and until the supreme government appropriates and sends you the necessary means, it relies upon your patriotism and fidelity to dictate the measures which you may judge necessary for tho defense of that department, for which purpose you and his excellency 'are invested with full powers.'

"And I have the honor to transcribe the same to you for your cogni-

zance, hoping that you on your part will leave no efforts to preserve entire the rights of the nation.

"God and liberty.

"Mexico, March 10th, 1846.

"TORNEL.

"To his excellency, the Governor of the Department of the Calfornias."

This is a true copy of the original which remains in my possession and to which I refer.

Angeles, Sept. 30, 1852.

(Signed) PIO PICO.

[Original.]

176 *Exhibit XLII.*

(Extract from Mexican Constitution of 1843.)

Titulo VII.—Gobierno de los Departamentos.

Articulo 134. Son facultades de las Asambleas Departamentales:

1a. Establecer arbitrios para completar sus gastos ordinaros, o para hacer los extraordinaros que determinen segun sus facultades, con aprobacion del Congreso, sin perjuicio de llevarlos a efecto immediamente que los decreten. El Presidente de la Republica puede suspender la ejucion de estos arbitrios, dando cuenta sin demora al Congreso.

2a. Arreglar la inversion y contabilidad de la hacienda del departamento.

3a. Crear los empleados necessarios para recaudacion y distribucion de la hacienda departamental, assignarles sus dotaciones, y reglamentar las obligaciones de los empleados.

4a. Crear fondos para establecimientos de instruccion, utilidad o beneficencia publica, con los requisitos designados en la atribucion primera.

5a. Decretar lo conveniente, y conforme a las leyes, respecto de la adquisicion, enagenaciones y permutas be bienes que pertenezcan al comun del departamento. Sobre enagenaciones de terrenos se observaran las leyes vigentes, y lo que determinen las de colonizacion.

7a. Disponer la apertura y mejora de los caminos del Departamento, y cuidar de su conservacion, estableciendo en ellos peages para cubrir sus costos; entendiendose esta atribucion sin perjuicio de lo que dispongan las leyes sobre caminos generales

7a. Fomentar la ensenanza publica en todos sus ramos, creando y dotando establecimientos literarios, y sujetandose a las bases que diere el Congreso sobre estudios preparatorios, cursos, examenes y grados.

8a. Crear y reglamentar establecimientos de beneficencia, correccion o seguridad.

177 9a. Reglamentar el contingente de hombres que para el ejercito deba dar el departamento.

10a. Hacer la division politica del territorio del departamento, establecer corporaciones y funcionarios municipales, expedir sus ordenanzas respectivas, y reglamentar la policia municipal, urbana y rural.

11a. Cuidar de la salubridad publica y reglamentar lo conveniente para conservarla.

12a. Fomentar la agricultura, industria, y demas ramos de prosperidad, segun sus facultades.

13a. Aprobar los planes de arbitrios municipales, y los presupuestos anuales de los gastos de las municipalidades.

14a. Establecer y organizar los tribunales superiores y jusgados inferiores, respetando la propriedad de los actuales magistrados y jueces, y reglamentar el ejercicio de sus funciones, sin alterar el orden de procedimientos que disponen o dispusieren las leyes.

15a. Hacer al Congreso iniciativas de ley en uso de la facultad que les da el art°. 53.

16a. Consultar al Gobernador en todos los asuntos enque este lo exiga y tambien en los que deba hacerlo conforme a estas bases, y a las leyes.

17a. Proponer al Gobierno Supremo una lista de todas las personas que le parezcan a proposito, y que no sean menos de cinco, para el nombramiento de Gobernador. En los departamentos fronterizos no tendra obligacion el Gobierno de sujetarse a esta lista, y sucedera lo mismo cuando en algun otro departamento, y en caso extraordinario, lo acordare el Congreso por iniciativa del Presidente.

18a. Hacer las elecciones segun esta bases, de Presidente de la Republica, individuos de la Suprema Corte de Justicia y Senadores.

19a. Decretar la fuerza de policia que debe haber en el Departamento, y reglamentar su servicio, que se reducira a conservar el orden, cuidar de la seguridad publica, y auxiliar la ejecucion de los mandatos de las autoridades politicas y judiciales. Esta fuerza no gozara fuero, y debera estar distribuida en las poblaciones con proporcion a sus necesidades.

178 [Translation.]

Exhibit XLII.—Title VII.—The government of the departments.

Article 134. The powers of the departmental assemblies are:

1st. To establish the means of meeting their ordinary expenditures, or of making those that are extraordinary, which they may direct according to their powers, with the approbation of the Congess, without prejudice to carry them into effect immediately after they shall be decreed. The President of the republic may suspend the execution of these means, giving notice without delay to Congress.

2d. To regulate the receipts and accounts of the treasury of the department.

3d. To appoint the necessary officers for the collection and paying out of the departmental revenue, fix their salaries and regulate the duties of the officers.

4th. Create funds for the establishment of education, utility, or public benevolence, with the requisites designated in the 1st article.

5th. To decree what may be proper (and conformable to the laws) respecting the acquisition, alienation, and exchanges of the property that may belong to the community of the department. With regard to the alienation of lands, they shall observe the existing laws, and whatever is decreed by the laws of colonization.

6th. To direct the opening and improvement of the roads of the department, and take care of their preservation, establishing thereon toll-gates to cover their cost. This power, it is well understood, witout prejudice to what the laws respecting general roads may direct.

7th. Encourage public instruction in all its branches, creating and donating literary institutions, and subjugating them to the regulations called for by Congress respecting preparatory studies, courses, examination and grades.

8th. Create and regulate establishments of benevolence, correction, or security.

179 9th. Regulate the contingent of men which the department should furnish the army.

10th. Make the political division of the territory of the department, establish corporations and municipal officers, furnish their respective ordinances, and regulate the municipal city and county police.

11th. Take care of the public health, and make the proper regulations to preserve it.

12th. Encourage agriculture, industry, and other sources of prosperity, according to their powers.

13th. Approve the plans of the municipal expedients and the annual estimates of the expenses of the municipalites.

14th. Establish and arrange the superior tribunals, and inferior justices' courts, respecting the authority of the actual magistrates and judges, and regulate the exercise of their functions without altering the order of proceedings that the laws direct, or shall direct.

15th. To make suggestions of laws to Congress, according the power given by article 53.

16th. Advise the governor in all matters, when he shall demand it, and likewise in those when they should do it conformable to these bases and to the laws.

17th. Propose to the supreme government a list of all the persons that may appear to them fit, and which shall consist of not less than five, for the appointment of governor. In the frontier departments the government shall not be obliged to conform itself to this list, and this shall follow when in any other department, and in any extra-

ordinary case Congress shall grant it upon the application of the President.

18th. To make the elections of the President of the republic, members of the Supreme Court of Justice, and senators, according to these bases.

19th. To decree the police force which the department should have, and to regulate its duty, which shall be confined to preserving order, taking care of the public safety, and aiding the execution of the mandates of the political and judicial authorites. This force shall not enjoy any privileges, and shall be distributed among the population according to their necessities.

180 *Exhibit XLIII.*

JOSEPH S. ALEMANY, bishop, etc.,
v.
THE UNITED STATES.

In this case, on hearing the proofs and allegations, it is adjudged by the commission that the claim of the said petitioner is valid for the land hereinafter specifically described, and the same is therefore hereby confirmed to him, to hold the same in the capacity and for the uses set forth in his petition; and as to the remaining portion of the premises claimed in the petition, it is adjudged that the claim for the same is not valid and the same is rejected.

The lands of which confirmation is hereby made are as follows, to wit:

The land known as the Canada de los Pinos or College Ranch, situated in the county of Santa Barbara, and bounded and described as follows:

Beginning on the north bank of the river Santa Ynez, in front of the canada called by the Indians "Acmamiquiame," which south of the river forms the boundary of the Messrs. Carrillo and Yansen, and on the west of the Mission of Santa Ynes there is a marked alamo that serves as a landmark; thence running easterly along the bank of the river, sixteen thousand five hundred varas, terminating at the "Canada de Aquichumo," where a tree was marked as a bound when the judicial measurement of this land was given by Nicolas A. Den; thence running north sixteen thousand varas to the Sierra de San Rafael; and commencing again at the place of beginning for the western line of said tract of land, the same runs thence north fifteen thousand one hundred varas, till reaching the boundary of the Neophyte Antonio; and thence in an easterly direction to the northern termination of the line, secondly above described, which constitutes the eastern line of said land; excepting and reserving from the premises above described such portions of said land as be-

181 longs to individuals neophytes or others, at the time juridical possession was given, on the 14th day of April, 1845; being the same premises described in two grants thereof made by Governor Micheltorena, one on the 16th day of March, and the other

on the 26th day of September, 1844, and more particularly described in the testimonial of juridical measurement above mentioned, both of which are on file in this case, and are to be referred to for more particular description of said premises.

The land known as the Rancho "Laguna," situated in the county of San Luis Obispo, and near the mission of that name, and bounded and described as follows, to wit:

Commencing at some large rocks, which are at the skirt (falda) of the second serro which forms the "Canada de los Osos," and running thence in a southwesterly direction along the boundary of Don Maximo Pacheco, on the level land of the Canada and the lateral hills of the "Cerro de la Majada" five thousand varas; thence southeasterly along the range of hills and the sierra five thousand varas to the mouth of the "Canada de San Miguelito," designating at that point as a bouudary the same mark that designates the boundary of Don Miguel Abila; thence in a northeasterly direction along the skirts of the hills on the same line of the boundary of Don Victor Linares, and in the same direction along the plain to the stone fence in front of the laguna at the point of center between the two cerros which form the entrance to the plain southwest of the principal building of San Luis Obispo, said line being five thousand varas in length; thence northwesterly along the foot of the two cerros and the edge of the plain in which the lake ("laguna") is situated, five thousand varas to the point of commencement, containing one square league of land, being the same land described in the testimonial of juridical measurement thereof, made by the alcalde, Tomas X. Herrea, September 23, 1845, which is on file in this case, and to which reference is to be had.

The church and the buildings adjoining thereto, erected on three sides of a quadrangle, and constituting the church and mission buildings of the ancient mission of San Diego, in San Diego county, together with the land on which the same are erected and the curtilage and appurtances thereto belonging, and the cemetery
182 adjoining the same, and also, a garden, situated south of the buildings above mentioned, and a short distance therefrom, inclosed with an adobe wall and known as the garden of said mission; the said premises being the same designated as "Church Buildings" and "Garden" in the delineation thereof on map numbered one, in the atlas marked "Exhibit No. 1, A. F." and annexed to the deposition of James Alexander Forbes, filed in this case Nov. 29, 1854, reference to be made thereto for a further description.

The church and the building adjoining thereto, built in a quadrangular form, and constituting the building known as the church and mission buildings of the mission of San Luis Rey, situated in San Diego county, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging, and the cemetry adjoining the same, inclosed with a stone wall and the wall of the church; also the inclosed gardens, one of which is situated nearly south from said quadrangle, and is inclosed by an

adobe wall, with the exception of a small portion on the western side, where the inclosure is of branches or sticks; the other is situated in a direction about northwest from said quadrangle, and is inclosed by an adobe wall; said gardens being the same which were formerly used by the priest having charge of said mission. The property above described is the same delineated on map numbered two, in the atlas above referred to.

The church and the building nearly adjoining thereto, built in a quadrangular form, which are known as the church and mission buildings of San Juan Capistrano, situated in Los Angles county, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging, and the inclosed cemetery which adjoins the same. Also two inclosed gardens, known as the gardens of said mission, both being within five hundred yards of said buildings, and in an easterly and southeasterly direction therefrom, and being the same which are delineated and designated as "Orchard," and "Orchard and Garden," on map numbered three, in the atlas above mentioned.

The church and the buildings adjoining thereto, which are known as the church and the mission buildings of the ancient mission
183 of San Gabriel, situated in Los Angeles county, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging, and the cemetery inclosed with an adobe wall and adjoining said church; also, an orchard and garden situated in front and south of said church, at a distance of some seventy or eighty feet from the same, as the same is inclosed with adobe walls and a fence; being the same which was long used by the padres of said mission, and the same laid down on the map, numbered four in the atlas before mentioned, as "Orchard" and "Garden;" also a vineyard which was used by the said padres as such, situated in a northerly direction from said church, at the distance of about sixteen chains therefrom, and is bounded on the west by a road, and on the other side by an adobe wall and fence, being the same tract of land which is delineated and marked "Vineyard" on said map.

The church and the buildings adjoining thereto, erected in the form of a quadrangle, constituting the building known as the church and mission buildings of the mission of San Buenaventura, situated in Santa Barbara county, together with the land on which the same are erected, and that included within said quadrangle, and the curtilage and appurtenances thereto belonging, and the cemetery inclosed by an abode wall, and adjoining the church. Also, a garden situated southwest of said quadrangle, and at the distance of about one hundred feet from said cemetery, inclosed by an abode wall, being the same used and occupied by the priests of said mission, and the same delineated on map numbered five in the atlas aforesaid, and therein designated by the words "Garden and Orchard."

The church and the buildings adjoining thereto, built in a quadrangular form, and the house connected with the same by a yard at the southwest corner of said quadrangle, which are known as the

church and mission buildings of the mission of San Fernando, situated in the county of Los Angeles, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging, and the cemetery inclosed with an abode wall and adjoining said church.

The church and the buildings adjoining the same, built in a quadrangular form, and constituting the church and mission build-
184 ings of the mission of Santa Barbara, situated in the county of Santa Barbara, together with the land on which the same are situated, and the curtilage and appurtenances thereto belonging, and the cemetery as inclosed by a stone wall, and adjoining said church, and including the small chapel standing within the limits of said cemetery. Also, a garden known as the mission garden, situated at the distance of about four chains from the most southern part of said quadrangle, the same being inclosed on all sides by an adobe wall, and being the same occupied and used by the priests of said mission. Also, a vineyard, situated about twelve miles west of said mission buildings, the fence inclosing the same constituting the boundaries thereof, and being the premises occupied and used many years by the priests of said mission, and well known as the "mission vineyard." The garden and vineyard intended to be confirmed by this decree are the same delineated on the map numbered seven in the atlas before referred to, under the designations of "Garden 16 a, 3 R, 2 P," and "Vineyard, 8 a, 8 R, 2 y," and denominated "San Jose."

The church and the buildings adjoining thereto, erected in the form of a quadrangle, and constituting the church and mission buildings of the ancient mission of Santa Ynes, situated in Santa Barbara county, together with the land on which the same are erected, and curtilage and appurtenances thereto belonging, and the cemetery, as the same is inclosed with its abode walls, and which adjoins said church. Also a tract of land situated in an easterly direction from said quadrangle, at the distance of about eight chains therefrom, known as the mission garden, and long occupied by the priests of said mission, with the boundaries as the same is inclosed by fences, and the same is delineated on map numbered eight in the atlas before mentioned, and there denominated "Orchard and Garden."

The church, and building occupied as a dwelling adjoining it, constitutes the church and mission buildings of the mission of La Purisima, situated in Santa Barbara county, together with the land on which the same are erected, and the court-yard fenced in adjoining the buildings in the rear, and the curtilage and appurtenances thereto belonging, and also the cemetery belonging to the said mission, with the limits as established by the adobe wall by which the same is
185 surrounded, including, however, within the limits the land covered by the old church, now in ruins. Also a garden situated about half a mile northwest of said building, known as the mission garden, with the fence by which the same is inclosed for its boundaries, being the same which is delineated on map numbered nine in the atlas before referred to, on which it is designated by the word "Orchard."

The church and the buildings adjoining thereto, erected in the form of a quadrangle, constituting the building known as the church and mission buildings of the mission of San Luis Obispo, in San Luis Obispo county, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging, and the cemetery adjoining said church, with the boundaries as inclosed by the adobe wall surrounding the same. Also two gardens, known as the mission gardens, and long occupied by the priests of said mission, one of which is situated to the northwest, and the other to the east of said quadrangle, the boundaries thereof being the wall and fence by which the same are enclosed, and including in the latter the passage-way from the mission building to the entrance of the garden as now used. The two gardens are the same as delineated on the map numbered ten, in the atlas above referred to, and the same described in a grant thereof made by Governor Micheltorena to the rectors of the church of said mission, on the 16th day of July, 1844, to which (being on file in this case) reference is to be had.

The church and the buildings adjoining the same, built in the form of two quadrangles, nearly completed, constituting the church and buildings known as the church and mission buildings of the mission of San Miguel, situated in San Luis Obispo county, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging, and the cemetery adjoining said church and buildings, with the boundaries as inclosed by the adobe walls which surround the same; also a vineyard, situated in a northeasterly direction, and at the distance of about three miles from said church, known as the mission vineyard, and called "La Mayor," embracing

186 the land within the limits as they have been known within the inclosure, and as fenced and cultivated by the priests of said mission, being the same premises described in a grant thereof to the rector of the church of said mission by Governor Micheltorena, July 16, 1844, to which (being on file in the case) reference is to be had.

The church, with the buildings which adjoins the same, and those which are situated in immediate proximity thereto, constituting parts of the quadrangle in which said buildings are arranged, which together are known as the church and mission buildings of the mission of San Antonio, situated in the county of San Luis Obispo, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging. Also the cemetery belonging to said mission and inclosed in adobe walls, and situated a short distance from said quadrangle in a southwesterly direction. Also the vineyard known as the mission Vineyard, situated in a southwesterly direction from said church, including the premises inclosed with the adobe walls surrounding the same, being the same delineated on map number twelve, in the atlas above mentioned, and designated thereon as the "Vineyard." Also the premises known as the garden of said mission, situated at the northeast of the church and buildings aforesaid, and contiguous to them, with the adobe wall surrounding the same for its boundaries, being the premises delineated on the said

last-mentioned map, and designated thereon by the word "Orchard." Also the flour mills of said mission, erected and occupied by the priests of said mission, situated about five chains northerly from said vineyard, with the privileges and appurtenances belonging thereto, reference for a more particular description whereof is to be had to the delineation of the same on said map.

The church, and the buildings adjoining the same, and extending east of it, being the same known as the church and mission buildings of the mission La Soledad, situated in Monterey county, together with the land on which the same are erected, and the inclosure, curtilege and appurtenances thereto belonging; and also the cemetery near said church and on the west of it, with the limits as defined by the adobe wall which incloses the same. Also the garden of said mission, situated at the west of said church, with the limits as inclosed by an ancient hedge fence of willows and an old adobe wall,
187 being the same used and occupied for many years by the priests of said mission, and the same delineated on map numbered thirteen, in the atlas before referred to, under the designation of "Orchard." Also a vineyard known as the "Mission Vineyard," situated about three miles and a half southwest of said mission buildings, the same being situated in a cañada, having for its limits on the north, south and west the precipitous sides thereof, which form a natural boundary and inclose the same, and on the east side the narrow gorge which forms the entrance thereto, being the said premises marked "Vineyard," and delineated on the last mentioned map.

The church and the buildings adjoining the same, erected on three sides of a quadrangle, being the same known as the church and mission buildings of the mission of El Carmelo, situated in Monterey county, together with the land on which the same are erected, and curtilage and appurtenances thereto belonging; and also the cemetery adjoining to the same, with the limits as fixed and defined by the stone wall inclosing the same. Also the garden of said mission, which is situated about southeast from said church, with the limits as the same is inclosed by the hedge of willows surrounding it; being the same premises marked "Orchard" on map numbered fourteen, in the atlas before referred to.

The church and the buildings adjoining it, built so as to form portions of the sides of a quadrangle, inclosed on the other part with an adobe wall, constituting the church and mission buildings, with its quadrangle, of the ancient mission of San Juan Bautista, situated in Monterey county, together with the land covered by the same, and the curtilage and appurtenances thereto belonging; and the cemetery, with the extent inclosed within its walls, which adjoins said church, also the premises known as the garden of said mission, situated about three chains northeast from said church, having for its boundaries the embankment and ditch on three sides, and a hedge of willows on the fourth side, by which the same is inclosed; being the same premises laid down on map numbered fifteen in the atlas above referred to, and thereon designated by the word "Orchard." Also the premises known as the mission vineyard, situated about eighty-

188 four chains southeast from said church, embracing the land used for many years by the priests of said mission as a vineyard, and inclosed by a ditch and the remains of an adobe wall, it being the same delineated on map numbered fifteen, and marked "Vineyard."

The church and the buildings adjoining the same, constituting the church and mission buildings of the mission of Santa Cruz, in Santa Cruz county, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging, and the cemetery as the same is inclosed by its adobe walls, which adjoins said church and buildings. Also the premises adjoining said buildings and their curtilage and said cemetery, and situated to the north and east of the same, known as the mission Garden, and inclosed partly by a ravine and partly by adobe walls; the same being the premises delineated on map numbered sixteen in the atlas before referred to, and there designated by the term "Orchard."

The church and the building adjoining the same, built in the form of a quadrangle, and known as the church and mission buildings of Santa Clara, situated in Santa Clara county, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging, and the cemetery adjoining the same, with the limits embraced by the adobe walls surrounding it and the building above mentioned to which it adjoins. Also, the premises known as the vineyard of said mission, situated on the south side of said quadrangle and adjoining said buildings, within the inclosure of the adobe walls by which it is surrounded, being the same premises delineated on map numbered seventeen in the atlas before referred to, where it is designated by the term "Vineyard." Also, the premises known as the garden or orchard of said mission, situated northeast from the church and distant about sixteen and a half chains, and inclosed with an adobe wall which define its boundaries; the same being delineated and represented on said map numbered seventeen by the term "Orchard."

The church known as the mission Church, of the mission of San Jose, situated in the county of Santa Clara, together with the land on which the same is erected, with the curtilage and appurtenances thereto belonging, and also the cemetery which adjoins said
189 church on the north side thereof, embracing all the land within the adobe wall which forms its exterior lines. Also the garden of said mission which adjoins said church, including the area which is surrounded by an adobe wall, excepting a portion at the northeast corner, where the boundary is a fence, being the same premises delineated and designated by the term "Vineyard" on map numbered eighteen in the atlas before referred to. Also another parcel of land situated at the distance of five chains south of the premises last described, which is also known as the mission Garden or Orchard, the boundaries of the same being the adobe wall by which the same is inclosed, and the same premises marked "Orchard" on the map last mentioned. Also the cemetery, which is situated at the west of said church and distant about seventy-four chains

from it, inclosed by an adobe wall, and being the same delineated on the map last mentioned, (in the southeast corner of said map,) and marked "Cemetery."

The church and the building adjoining it, being the same which are known as the church and mission buildings of the mission of San Francisco, in the county of San Francisco, commonly called the mission Dolores, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging; and the cemetery adjoining, according to its ancient limits and boundaries Also the premises known as the mission Garden, lying in the rear of said church, adjoining the same and the cemetery above mentioned, with the ancient limits and boundaries of the same as used and occupied by the priests of said mission; and also another garden of said mission, situated in front of said church and on the opposite side of the street, with the ancient limits and boundaries of the same as long used and occupied by said priests; reference for the description of these two last-mentioned parcels of land to be had to the map numbered nineteen in the atlas before mentioned, where the same is delineated, each parcel being designated by the word "Garden."

The church and the buildings adjoining the same, being the same known as the church and mission buildings of the mission of San Rafael, situated in Marin county, together with the land on which the same are erected, and the curtilage and appurtenances there-
190 to belonging and the cemetery adjoining them, with the area which is inclosed by the fence surrounding the same. Also the mission Garden, which is situated about ten chains in an easterly direction from said church, the boundaries thereof being the adobe wall by which the same is inclosed, and being the same premises which are delineated on map numbered twenty in the atlas before referred to, (extending to the north, however, only to the line marked thereon "ruins of adobe walls,) and designated by the word "Vineyard."

The church and the buildings adjoining the same, known as the church and mission buildings of the mission of San Francisco Solano, situated in the town of Sonoma, in Sonoma county, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging; also, the garden or vineyard situated about fourteen and a half chains from the building aforesaid, and in an easterly direction, called the mission Vineyard, with its ancient limits and boundaries as occupied and used by the priests of said mission, being the same delineated on map numbered twenty-one, and desigted by the word "Vineyard."

ALPHEUS FELCH,
R. AUG. THOMPSON,
S. B. FARWELL,
Commissioners.

Filed in office, Dec. 18, 1855.

GEO. FISHER, *Secr'y.*

UNITED STATES OF AMERICA,
State of California, Southern Dist. of Cal:

I, C. Sims, clerk of the District Court of the United States for the southern district of California, do hereby certify the foregoing to be a true, full, and correct copy of the original as the same appears of file in my office.

In witness whereof I hereunto set my hand and affix the seal of said court, this 18th day of December, A. D. 1868.

[SEAL.] C. SIMS, *Clerk.*
Per W. W. STETSON, *Deputy.*

191 In the District Court of the United States for the district of California.

Exhibit XLIV.

THE UNITED STATES
v.
JOSEPH S. ALEMANY. } No. 388. Trans. No. 609.

In pursuance of a notice from the attorney general of the United States, it is hereby stipulated and agreed that the appeal heretofore taken from the decision of the United States land commission, in this case be dismissed, and the notice of intention to prosecute said appeal be withdrawn, and that claimant have leave to proceed under the said decision of the United States land commission, heretofore rendered in his favor, as under a final decree.

P. ORD,
Dist. Att'y U. S. for South. Dist. of Cal.
EUGENE CASSERLY,
Attorney for J. S. Alemany, claimant.

UNITED STATES OF AMERICA,
State of California, Southern Dist. of Cal.:

I, C. Sims, clerk of the District Court of the United States for the southern district of California, do hereby certify the foregoing to be a true, full and correct copy of the original as the same appears of file in my office.

In witness whereof I hereunto set my hand and affix the seal of said court, this 18th day of December, A. D. 1858.

[SEAL.] C. SIMS, *Clerk.*
Per W. W. STETSON, *Deputy.*

192 District Court of the United States for the southern district of California.

Decree.

UNITED STATES
vs.
MANUEL ANTONIO RODRIGUEZ DE POLI, claiming the Mission San Buenaventura. } No. 318.

This cause came on to be heard on appeal from the decision of the United States board of land commissioner, to ascertain and settle private land claims in California on a transcript and proceedings of said board, and the papers and evidence upon which said decision was made, and the further evidence adduced; and counsel for the respective parties having been heard, it is ordered, adjudged and decreed, that the decision of the said board be affirmed.

The land of which confirmation is made is situated in the county of Santa Barbara, and known as the mission of San Buenaventura, and which were known as belonging to the mission, including the laguna, huenemo el palo alto los de siembas de Santa Paula la canada de la mission, and all those lands which at the date of the grant in this case had not been granted by the Mexican government, and were then recognized as lands of the mission establishment, excepting the orchards, vineyards, churches, and buildings belong-
193 ing to the said mission at the date of the grant, to the extent of eleven leagues within said boundaries, and no more.

Dated at Los Angeles, April 1st, 1861.

ISAAC S. K. OGIER,
U. S. Dist. Judge for the S. Dist. of California.

Filed April 1, 1861.

G. L. MIX, *Clk.* *Dep.*
P. JOHN O. WHEELER,

194 *Mandate.*

UNITED STATES OF AMERICA, *ss*:

The President of the United States of America to the honorable the judge of the District Court of the United States for the southern district of California, greeting:

Whereas lately in the District Court of the United States for the southern district of California, before you, in a cause between the United States, appellants, and Manuel Antonio Rodriguez de Poli, appellee, (No. 318,) for "ex mission of SanB uenaventura," wherein the decree was rendered in favor of the said appellee, as by the inspection of the transcript of the record of the said District Court, which was brought into the Supreme Court of the United States by

virtue of an appeal agreeably to the act of Congress in such case made and provided, fully and at large appears.

And whereas in the present term of December, in the year of our Lord one thousand eight hundred and sixty-three, the said cause came on to be heard before the said Supreme Court, on the said transcript of the record, and on the motion of Mr. Gillet, of counsel for the appellee, with the consent of Mr. Attorney General Bates, it is now here ordered, adjudged and decreed by this court that
195 this cause be, and the same is, hereby dismissed.
24 March.

You, therefore, are hereby commanded that such further proceedings be had in said cause, as according to right and justice and the laws of the United States ought to be had, the said appeal notwithstanding.

Witness the Honorable Roger B. Taney, Chief Justice of said Supreme Court, the first Monday of December, in the year of our Lord one thousand eight hundred and sixty-three.

D. W. MIDDLETON.
Clerk of the Supreme Court of the United States.

Costs of—
Clerk ..... $——
Attorney ..... $——

Filed Aug. 8th, 1864.

JOHN O. WHEELER,
Cl'k U. S. Dist. C't of Dist. Cal'a.

196 In the United States District Court of the southern district of the State of California.

Order on mandate.

THE UNITED STATES, appellants,
vs.
MANUEL ANTONIO RODRIGUEZ DE POLI, appellee. } No. 318.

In this case the mandate of the Supreme Court of the United States of the date of the first Monday of December, 1863, is filed and presented. And whereas, the said Supreme Court did, at its December term, A. D. 1863, the said cause being then before said Supreme Court pending on appeal, order, adjudge and decree that the said cause be dismissed, and command that such further proceedings be had therein as according to right and justice and the laws of the United States ought to be had, notwithstanding the appeal to the said Supreme Court.

Now, therefore, it is ordered that the appeal heretofore sued out and allowed to the Supreme Court in this case be, and the same is

hereby dismissed, and the claimant is hereby allowed to proceed under the decree of this court as under a final decree.

Thus done in open court this 8th day of August, A. D. 1864.

FLETCHER M. HAIGHT,
Judge U. S. Dist. Ct., Dist. of Cal.

197 Filed Aug't 8th, 1864.

JOHN O. WHEELER, *Cl'k.*

198 United States District Court, southern district of California. Regular October term, A. D. 1864. Hon. F. M. Haight, judge.

Final order upon the mandate.

MAN'L ANT'O RODRIGUEZ DE POLI, appellee, *ads.* THE UNITED STATES, appellant. } No. 318.

Now, at this day, come the parties, the claimant and successor in interest, in person, and the United States, by B. C. Whiting, U. S. dist. att'y, and on motion of claimants and by consent of the U. S. dist. att'y, the final order of this court, made and entered on the 8th day of August, A. D. 1864, is hereby set aside.

And it appearing that the mandate of the Supreme Court of the United States dismissing the appeal taken by the United States from the decree of this court confirming the claim of the appellee herein, has been filed—

It is hereby ordered, adjudged and decreed that the claim of the appellee to the lands known by the name of the lands of the ex-mission of San Buenaventura, is good and valid, and the same are hereby confirmed.

The lands of which confirmation is made is situated in the county Santa Barbara, and known as the mission of San Buenaventura, and which were known as belonging to the mission, including the
199 laguna, hueoneno, el pala alta, los de siembras de santa paula, la Canada de la mission, and all those lands which, at the date of this grant, in this case, had not been granted by the Mexican government, and where then recognized as lands of the mission establishment, excepting the orchards, vineyards, churches and buildings belonging to the said mission at the date of the grant. For a more particular description, reference is hereby made to the original grant, on file among the papers of the U. S. Land Commission, and the survey will be made according thereto.

Thus done and signed in open court, in the city of Monterey, Oct. 13, 1864.

FLETCHER M. HAIGHT,
Judge U. S. Dist. Court, South'n Dist. Cal'a.

Filed Oct. 13th, 1864.

JOHN O. WHEELER, *Cl'k.*

200 U. S. District Court Southern District of California.

Notice of motion for new appeal.

THE UNITED STATES
vs.
M. A. R. DE POLI. } No. 318.

E. L. Goold, esq., attorney for claimant in the above-entitled cause:

Please take notice that a motion will be made to the court on the 21st day of November instant, or as soon thereafter as counsel can be heard at the U. S. court-room in Monterey, southern dist. of California, for a new order of appeal in said cause from the final decree of confirmation by the said U. S. Dist. Court to the United States Supreme Court.

November 12th, 1864.

B. C. WHITING,
U. S. Attorney for the Southern Dist. of California.

I accept service of the above notice and waive copy. San Francisco, Nov. 12, 1864.

E. S. GOOLD, *Per Claimants.*

Filed Dec'r 3d, 1864.

JOHN O. WHEELER, *Cl'k.*
By ROBERT HAIGHT, *Dep.*

201 In the Supreme Court of the United States in and for the southern district of California.

Motion for leave to appeal denied.

THE UNITED STATES
vs.
MA. A. R. DE POLI. } No. 318. For the place named San Buenaventura.

On filing notice admitting service of the same, and after hearing B. C. Whiting, esq., on the part of the United States, and F. Vassault, esq., for claimant, and motion for leave to take an appeal in the above cause, and it appearing that the appeal heretofore allowed was dismissed with the consent of the attorney general of the United States, and mandate from the Supreme Court of the United States, having been duly filed, it is ordered that the motion be denied, with liberty to the United States to review the same at the next term of this court upon sufficient cause shown.

This done and signed in open court this third day of December, A. D. 1864.

FLETCHER M. HAIGHT,
Judge of the District Court for the Southern District of California.

Filed Dec'r 3d, 1864.

JOHN O. WHEELER, *Clerk.*
By ROBERT HAIGHT, *Dep.*

202 *Certified copy of citation.*

M. A. R. DE POLI
vs.
THE UNITED STATES. } No. 318.

THE UNITED STATES OF AMERICA, *ss*:

To M. A. R. De Poli, the claimant in the above-entitled case and E. L. Goold, esq., her attorney:

You are hereby cited and admonished to be and appear at a U. S. District Court of the southern district of California, to be holden at the U. S., court-room in the city of Monterey, on the third Monday of April, A. D., 1865, pursuant to an order of said court, made this 6th day of March, 1865, to show cause, if any you have, why a new appeal should not be granted to the United States of America from the decree of said court, made and entered on the first day of April, A. D., 1861, confirming the claim of plaintiff herein to the place or tract of land called the "Mission of San Buenaventura, in Santa Barbara county in said State, and speedy justice done to the parties in that behalf.

Witness my hand and seal at Monterey, this 6th day of March, A. D., 1865.

FLETCHER M. HAIGHT,
Judge U. S. Dis't Court, Southern Dis't of California.

203 I, John O. Wheeler, clerk of the U. S. District Court for the southern district of California, do hereby certify the foregoing to be a full, true and correct copy of the original citation made as aforesaid and on file in my office.

In witness whereof I have hereunto set my hand, and affixed the seal of said court, this 6th day of March, A. D., 1865.

[SEAL.] JOHN O. WHEELER,
Cl'k U. S. Dis't Court for Dis't Cal'a.

I hereby acknowledge service of within.

I, Henry D. Burrows, United States marshal for the southern district of California, do hereby certify that I received the within citation, on Saturday, March 11th, 1865, and served a copy of the same on E. L. Goold, claimant's att'y, by leaving at his office in the city and county of San Francisco, the said copy on the 11th day of March, A. D. 1865.

H. D. BURROWS, *Marshal*,
By ROBERT HIAGHT, *Dep.*

Filed March 14, 1865.

JOHN O. WHEELER, *Cl'k.*
P. ROBT. HIAGHT, *Dep.*

204 *Copy affidavit and notice.*

DISTRICT OF COLUMBIA, CITY OF WASHINGTON, *ss*:

Before me, the subscriber, D. W. Middleton, clerk of the Supreme Court of the United States, personally came T. J. Coffey, who being duly sworn, saith: That he was assistant attorney general of the United States during the last term (Dec. term 1863,) of the Supreme Court of the United States, and as such officer, was concerned in the cases in that court in which the United States was a party; that he was thus concerned for the U. S., in the case of the United States vs. Encarnacion Sanchez de Poli, &c., No. 217 Dec. term 1863. That that case was dismissed by the court on motion of the counsel for the defendant in error, De Poli, for the reason that the appeal taken in the case and prosecuted to the Supreme Court was not taken at the term at which the decree of the District Court was rendered and filed, and the record exhibiting no evidence that a citation or notice of the application for that appeal had been served on De Poli or her counsel, the appeal was not good. That this reason being a good one for the dismissal of the appeal, the attorney general stated at bar, that he did not think the appeal was valid, and consented to its dismissal on that ground. That the Attorney General did not consent to its dismissal for any reason connected with the
205 merits of the case, but was of the opinion that this case was one which ought to be reviewed by the Supreme Court of the U. S., and in order that the case might be acted on by that court on its merits, unembarrassed by any preliminary question on the validity of the appeal, he consented to the motion for dismissal with the view of directing the district attorney in California to take a new and valid appeal in the case, before the five years allowed therefor had elapsed. Accordingly, after its dismissal the attorney general directed the district attorney to take a new appeal.

(Signed) T. J. COFFEY.

Sworn and subscribed this 19th Jan'y, 1865, before me, in open court.

D. W. MIDDLETON,
Cl'k Sup. C't U. S.

To M. A. R. de Poli and E. L. Goold, esq., her attorney:

You will please take notice, that on the 3d Monday in April next, at 10 o'clock a. m. of that day, or as soon thereafter as counsel can be heard, at the U. S. court-house in Monterey, I shall move the court, on behalf of the United States, for an order granting a new appeal from the decree of confirmation, in the case of M. A.
206 R. de Poli vs. The United States, No. 318, and that said motion will be made upon an affidavit on file in said case, of which the foregoing is a copy, and upon the papers in the case.

Monterey, March 6, 1865.

B. C. WHITING,
U. S. Attorney.

I admit service of a copy of the foregoing affidavit and notice.

I, Henry D. Burrows, United States marshal for the scuthern district of California, do hereby certify that I received the within affidavit and notice on Saturday, March 11th, A. D. 1865, at 2 o'clock p. m., and served the same on Edmond L. Goold, claimant's att'y, by leaving at his office, in the city and county of San Francisco, a certified copy of the same, on March 11th, 1865.

H. D. BURROWS, *Marshal.*
ROB'T HAIGHT, *Dep.*

Filed March 14, 1865.

JOHN O. WHEELER, *Cl'k.*
ROB'T HAIGHT, *Dep.*

207 *Affidavit of Conway.*

STATE OF CALIFORNIA, *City and County of San Francisco, ss:*

Edward Conway being duly sworn, says: That on the 30th day of March, 1864, he was one of the persons known as E. Conway & Co., composed of E. Conway, James H. White and others, and still is a member of such firm.

That he is forty years of age and resides in said city and county; that he has had the management of purchasing real estate for said company, and is personally acquainted with the facts herein stated.

That he is the agent and attorney-in-fact of said James H. White; that said White is now absent on business from said State; that after the dismissal of the appeal in the Supreme Court of the United States in case No. 318, District Court of the United States for the southern district of California, entitled "M. A. R. de Poli ads. The United States," which appeal was dismissed 24th March, 1864, and after said White had seen a copy of the order so dismissing the same, and after the same was filed in the District Court of the United States for the southern district of California, viz, on the 16th day of September, 1864, said White purchased of D. C. Waterman, E. L.

208 Goold, F. Vassault, George S. Wright and Henry Webb, the owners of the "Ex mission San Buenaventura" the premises described as follows: "All lands north of a line drawn east from the southeast corner of the rancho 'Santa Ana' according to the final survey on file in the office of the U. S. surveyor general for California, the consideration therefor being 'for the price or sum of one dollar per acre, payable in U. S. gold coin, within sixty days after patent shall have been received, at the office of the U. S. surveyor general for California, and said White shall have been notified of its said receipt.'"

That said White made such purchase in good faith, and relying upon such dismissal of appeal.

That said White, before making such purchase, consulted with his counsel, Patterson, Wallace & Stow, practicing lawyers in San Francisco, who, at his request, examined the papers in said case, decree of confirmation, mandate dismissing appeal, &c; and after such examination they advised said White that the said decree of confirma-

tion was final, and the same could not and would not be opened, and that no further appeal could or would be allowed from said decree; that said White relied and acted upon such advice in making such purchase; and so relied and acted in good faith.

That subsequently, on the 20th day of October, said White conveyed to the persons named in the deed, a copy of which is hereto annexed, marked "B" the premises therein described; that said
209 persons together with said White composed the firm of E. Conway & Co.

That on said 20th October, E. Conway & Co. paid for said last-mentioned deed as follows; for 31-36 of said mission title being the portion of F. Vassault, E. L. Goold and D. C. Waterman, 40 shares, being 40-600 of all real and personal property of said E. Conway & Co., in Contra Costa, Los Angelos and Santa Babara counties as per list marked "C," hereunto annexed. That the consideration so paid was of the value of $40,000 gold coin. That said E. Conway & Co. are discharged from payment of said 31-36, as appears by receipt marked, "D," and that said Vassault, Goold and others, preferred shares in said company's property to the payment of one dollar per acre in gold coin. That after laking legal advice, and after said mandates dismissing said appeal was entered, and previous to December, 1864, the date of notice of re-appeal, Thomas Brown, now out of the State, and others, did, for valuable considerations, to wit, some sixteen thousand dollars gold coin of the United States, purchase certain shares or interest, in said real estate belonging to E. Conway & Co., and that such purchases were based upon the dismissal of appeal in said case before the U. S. Supreme Court.

The attorney general and counsel for grantees being both present, as set forth in said mandate. That said E. Conway & Co. have ex-
pended in and about said purchase the further sum of $15,000
210 gold coin, for the benefit of said real estate.

E. CONWAY.

Subscribed and sworn to before me this 17th day of May, A. D. 1865.

OTIS V. SAWYER,
Notary Public.

Filed June 5th, 1865.

J. O. WHEELER, *Clerk.*

211 U. S. Dist. Court south'n dist., Cal'a.

Opinion.

M. A. RODRIGUEZ DE POLI
v.
THE UNITED STATES. } No 1. San Buenaventura.

This is an application for an appeal from a decree of the district for the southern district of California. There have been two appeals by

the United States, and the last, according to the record, was dismissed with the consent of the Attorney General of the United States. That an appeal may be taken within five years, is true, and as many as the party chooses where there are dismissals on technical grounds.

The serious question in this case is, whether the consent of the Att'y Gen'l, as appears by the record, does not bar a right to a new appeal. The mandate sent to this court records that the appeal was dismissed with the consent of the Att'y Gen'l. An affidavit of Mr. Coffee, who was Deputy Att'y Gen'l, is offered to explain the reasons of that consent, which I deem wholly inadmissible; we are to be governed by the record. A question has been made as to the power of the Att'y Gen'l to consent to a dismissal, and thus waive the rights of the government. If the legal business of the government is not under the control of the Att'y Gen'l, it is difficult to perceive where it is.

212 In this district there are probably one hundred cases, more or less, where appeals have been dismissed by the Att'y Gen'l. or upon his instruction to district attornies; if these cases be opened upon the mere affidavit of the law officer of the government, where it is admitted the consent was given, and where the record shews it, there would be great confusion and injustice. Purchasers have a right to rely upon the records of the courts, and are not expected to inquire into the motives which may have induced the action of public officers. It is urged, that in this case parties purchased on the faith of the consent appearing of record; but this court has nothing to do with any particular equity, though the law should be so disinterested that the rights of all may be secure. If the Att'y Gen'l consented to the dismissal, and had it inserted in the record that the consent was without prejudice to the right to a new appeal, that reservation would have appeared in the mandate sent to this court, and all would have been apprised of it. My opinions on these mission cases have been given, and it is know I differed from my predecessor and the land commission, but I am unwilling to sanction the principle that a record can be explained by affidavit, or that the Att'y General has not full power to bind the government in any matter occurring in the ordinary course of litigation. The motion is denied.

FLETCHER M. HAIGHT,
U. S. Dis't Judge.

Filed June 5, 1865.

J. O. WHEELER, *Cl'k.*

213 In the District Court of the United States in and for the southern district of California.

Decree overruling motion for appeal.

DE POLI, admin., *v.* UNITED STATES. } Claiming the Mission land of San Buenaventura.

And now on this day came the parties hereto, by their respective counsel, and the motion of the United States for an appeal herein from

the decree of confirmation, heretofore entered, having been argued and submitted, and the court having considered the same—

It is ordered, adjudged and decreed that the motion be denied and the said appeal be disallowed.

F. M. HAIGHT,
Judge of Southern District of California.

This done and signed in open court this 5th day of June, 1865.

214 U. S. Dis't Court, southern district California.

Order.

THE UNITED STATES
vs.
MANUEL ANTONIO RODRIGUEZ DE POLI.

It is ordered herein, that the former order herein of June 5, 1865, be so far modified as to allow the clerk of this court to issue two certified copies of the order entered herein August, 1864, directing filing of the mandate. This order being made on application of claimant's attorney.

July 22d, 1865.

FLETCHER M. HAIGHT,
District Judge Southern District California.

Filed July 25, '65. J. O. WHEELER, *Cl'k.*

215 United States District Court southern district of California.

Order for transmission of papers to Att'y General.

MANUEL ANTONIO RODRIGUEZ DE POLI,
appellants,
vs.
THE UNITED STATES, appellee.

Now comes B. C. Whiting, U. S. district attorney for the southern district of California, and moves the court, on behalf of the United States, for an order vacating and setting aside an order entered herein on the 5th day of June, A. D. 1865, directing the clerk to withhold any and all certificates, papers, transcripts, and records for ninety days; and the said U. S. attorney further moves the court for an order requiring the clerk of said court forthwith to make out and deliver to B. C. Whiting, U. S. att'y, for the use of the U. S. Att'y Gen'l, at Washington, a certified copy of the decree of confirmation entered herein, on the day of , 186 , together with the subsequent proceedings in the cause, and all papers and entries therein; and that no further certificate or transcript than as above set forth be issued by said clerk until the first day of January next.

It is ordered accordingly.

Aug. 21, 1865.

FLETCHER M. HAIGHT,
U. S. Dis't Judge South'n Dis't Cal'a.

Filed Aug's 21, 1865. Sig. JOHN O. WHEELER, *Cl'k.*

216 United States District Court district of California.

Notice of appeal.

THE UNITED STATES, pl'ffs,
vs.
MANUEL ANTONIO RODRIGUEZ DE POLI, def't. } No. 318.

SAN FRANCISCO, *April 21st*, 1868.

To E. L. Goold, esq., attorney for claimant:

SIR: Please take notice, that the above-named plaintiffs intend to appeal to the Supreme Court of the United States from the decree of the District Court of the United States for the district of California, entered on the 1st day of April, 1867, in this cause.

DELOS LAKE,
U. S. Attorney.

Filed 21 April, 1868. Sig. GEO. E. WHITNEY, *Clerk.*

217 *Order.*

At a stated term of the District Court of the United States of America for the district of California, held at the court-room in the city of San Francisco, on Friday, the twenty-fourth day of April, in the year of our Lord one thousand eight hundred and sixty-eight.

Present: The Hon. Ogden Hoffman, district judge.

THE UNITED STATES
vs.
ANTONIO RODRIQUEZ DE POLI.

On reading the mandamus of the Supreme Court of the United States, bearing date on the second day of December, 1867, directed to the judge of this court, commanding him to allow an appeal on behalf of the United States to the Supreme Court of the United States, from the decree of the District Court of the United States for the southern district of California, entered in the within-entitled cause on the first day of April, 1861, it is ordered, in obedience to said mandate, that an appeal to the Supreme Court on behalf of the United States from the decree of this court in the within-entitled action,

218 entered on the first day of April, 1861, be, and the same is hereby granted, and that a certified transcript of the record of the proceedings in the said cause be sent to the said Supreme Court without delay.

District Court of the United States district of California.

219 *Citation.*

THE UNITED STATES, appellants,
vs.
MANUEL ANTONIO RODRIGUEZ DE POLI, appellee. } No. 318.

THE UNITED STATES OF AMERICA:

To Manuel Antonio Rodriguez de Poli, defendant and appellee, and E. L. Goold, attorney for defendant, &c.

You are hereby cited and admonished to be and appear at a Supreme Court of the United States to be holden in the city of Washington, District of Columbia, on the first Monday of December next, pursuant to an order of appeal granted on the 24th day of April, A. D. 1868, in open court, in a certain suit now pending in the United States District Court for the district of California, wherein the United States are plaintiffs and Manuel Antonio Rodriguez de Poli is defendant, on appeal to show cause, if any there be, why the decision in said appeal mentioned should not be corrected, and speedy justice done to the parties in that behalf.

220 Witness my hand and seal at San Francisco, this 27th day of April, 1868.

[SEAL.] OGDEN HOFFMAN,
District Judge.

Filed April 29th, 1868.

GEO. E. WHITNEY, *Clerk.*
By S. NEALL, D. C.

STATE OF CALIFORNIA, *City and co. of San Francisco, ss:*

Thomas M. Jewett being duly sworn, deposes and says: That he is over twenty-one years of age, and a citizen of the United States of America; that he has been for more than one year, and is at present, a clerk in the office of Delos Lake, esq., United States attorney for the district of California; that on the 28th day of April, 1868, he made service of the annexed citation in the case of the United States vs. Manuel Antonio Rodriguez de Poli, No. 318, by leaving a copy of the same at the office occupied by E. L. Goold, esq., attorney for claimant in the city of San Francisco.

THOMAS M. JEWETT.

Sworn to before me this 31st day of August, 1868.

H. F. LARDNER,
U. S. Com'r.